

ORDINANCE NO. 1709

AN ORDINANCE TO AMEND TITLE V, ZONING AND PLANNING, OF CHAPTER 45, ZONING, BY AMENDING ARTICLE 2 DEFINITIONS SECTION 5.6 DEFINITIONS (G-K); ARTICLE 4 SECTION 5.22-3 OVERLAY DEVELOPMENT DISTRICT; ADDING NEW ARTICLE 4 SECTION 5.22-7 MEDICAL MARIHUANA FACILITIES; AMENDING ARTICLE 9 SECTION 5.103 OFFICE SERVICE DISTRICT; AMENDING ARTICLE 18 SECTION 5.168 USES PERMITTED AND SECTION 5.169 USES PERMITTED SUBJECT TO SPECIAL APPROVAL; AMENDING ARTICLE 19 SECTION 5.179 USES PERMITTED SUBJECT TO SPECIAL APPROVAL; AND AMENDING ARTICLE 20 SECTION 5.185 USES PERMITTED SUBJECT TO SPECIAL APPROVAL.

THE CITY OF SOUTHFIELD ORDAINS:

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY AMENDING ARTICLE 2 DEFINITIONS SECTION 5.6 DEFINITIONS (G-K); AMENDING ARTICLE 4 SECTION 5.22-3 OVERLAY DEVELOPMENT DISTRICT; ADDING NEW ARTICLE 4 SECTION 5.22-7 MEDICAL MARIHUANA FACILITIES; AMENDING ARTICLE 9 SECTION 5.103 OFFICE SERVICE DISTRICT; AMENDING ARTICLE 18 SECTION 5.168 USES PERMITTED AND SECTION 5.169 USES PERMITTED SUBJECT TO SPECIAL APPROVAL; AMENDING ARTICLE 19 SECTION 5.179 USES PERMITTED SUBJECT TO SPECIAL APPROVAL; AND AMENDING ARTICLE 20 SECTION 5.185 USES PERMITTED SUBJECT TO SPECIAL APPROVAL, WHICH SHALL READ AS FOLLOWS:

SECTION 1.

Amend Article 2 Definitions Section 5.6 definitions (G-K) by revising the definition of Hotel:

HOTEL: a building, or part of a building, or a group of buildings, containing rooms designed to provide transient lodging for compensation which may include the following services: bellboy service, room service, maid service, telephones, desk service, full-service restaurant, meeting and conference facilities with a joint capacity of at least the same number of people as there are rooms in the hotel. (Amended - Ordinance 1220 - 2/26/87)

SECTION 2.

Amend Article 4 Section 5.22-3 Overlay Development District (ODD) by adding Auto/Truck Sales and Showrooms and Medical Marihuana Facilities as permitted uses in Table 1.

A. Uses Permitted in an ODD:

1. Principal permitted uses.
In designing and developing an ODD, compatibility of land uses both within the development and surrounding the development is very important to meeting the objectives of this article. In order to ensure integration of the proposed land development project with

the characteristics of the surrounding area, certain uses will be permitted and others will be prohibited. Subject to review and approval under the procedures and standards contained in this article, the following uses may be eligible for inclusion in the ODD District (See Table 1): (Amended – Ordinance 1640 – 5/10/15)

Table 1: Permitted Table of Uses (Amended – Ordinance 1640 – 5/10/15)

Districts:	Southfield Tech Corridor	City Centre District	Downtown Development District	Smart Zone	ODD Corridors
Uses:					
Accessory and complementary uses to permitted uses	P	P	P	P	P
Banks	P	P	P	P	P
- w/drive thru	P	*	P	*	P
Educational Facilities	X	P	P	P	P
General Businesses	P	P	P	P	P
Government Offices	P	P	P	P	P
Hotels (excluding Motels), Convention Centers and Banquet Facilities	P	P	P	P	P
Medical Facilities, Urgent Care, Medical Research	P	P	P	P	P
Micro-brewery	P	P	P	P	P
Mixed-Use Residential	P	P	P	P	P
Health, Wellness & Fitness	P	P	P	P	P
Hospitals	P	P	P	P	P
Office (general)	P	P	P	P	P
Recreational uses and Facilities, including Parks	P	P	P	P	P
Residential uses, including Multi-	X	P	P	P	P

Districts:	Southfield Tech Corridor	City Centre District	Downtown Development District	Smart Zone	ODD Corridors
Uses:					
Family, Nursing Homes, Senior Congregate & Assisted Living					
Retail Facilities	P	P	P	P	P
Research Facilities	P	P	P	P	P
Restaurants	P	P	P	P	P
Restaurants with Drive-thru	P	*	P	*	*
Pharmacies	P	P	P	P	P
- w/drive-thru	P	*	P	P	P
Personal Services	X	P	P	P	P
Professional Business and Offices	P	P	P	P	P
Public Safety	P	P	P	P	P
Self-Storage Facilities as an accessory use	P	P w/interior units and single point access	P	P w/interior units and single point access	P w/interior units and single point access
Technical, Research & Development Centers with accessory (less than 50%) manufacturing & assembly.	P	P	P	P	P
Universities and Colleges	P	P	P	P	P

Districts:	Southfield Tech Corridor	City Centre District	Downtown Development District	Smart Zone	ODD Corridors
Uses:					
Libraries and Civic Organizations	X	P	P	P	P
Auto/Truck Sales and Showrooms	X	P	X	X	X
Medical Marihuana Facilities	P	P	P	P	X

*When attached to a retail center or mixed-use development

SECTION 3.

Amend Article 4 Section 5.22-3 Overlay Development District (ODD) by adding Auto/Truck Sales and Showrooms and Medical Marihuana Facilities as permitted uses in Table 2. (see attached matrix)

SECTION 4.

Amend Article 4 Section 5.22-3 Overlay Development District (ODD) by removing requirements related to Approximate District Acreage, Planned Residential Units, Retail, Mixed Use, Office, Hospitality and Public Space; allowing Drive-thru Restaurants as end-caps only; removing Front Yard Setback requirements; removing Large Format Retail Minimum Floor Space requirements in the Shopping District; and providing options of fencing or landscaping around the Perimeter, in Table 3 Northland Sub Area Redevelopment Plan ODD – Development Standards Matrix. (see attached Matrix)

SECTION 5.

Amend Article 4 Section 5.22-3 Overlay Development District (ODD) by amending paragraph 2. Prohibited Uses. As follows:

2. Prohibited uses.

In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain land uses have been determined to be incompatible with the intent to provide the above permitted uses in an ODD. Therefore, the following uses are prohibited in ODD:

- Wholesale, not open to the general public and intensive business.
- Industrial and developmental manufacturing (Southfield Tech. Corridor).
- Uses involving the processing of raw materials for shipment in bulk form to be used in an industrial or commercial operation at another location.
- Warehouses and storage yards.

- Outdoor storage or display of materials, equipment, or vehicles other than approved outdoor retail sales as an accessory to a permitted principal use.
- Automotive repair, service and sales, new and used (except in Northland ODD).
- Automotive washes, self serve and automatic, except those customarily an accessory to a permitted principal use.
- Sanitariums.
- Pawn shops, check cashing and pay-loan facilities.
- Sexually oriented businesses (e.g. Adult bookstores, adult motion picture theaters, cabarets, etc.).
- Mobile home parks.
- Funeral homes.
- Crematorium.
- Cemeteries.
- Dog kennels.
- Public stables and farms.
- Social halls.
- Boarding rooms, lodging and tourist homes.
- Motels.
- Outdoor drive-ins.
- Flea markets.
- Tattoo parlors.
- Arcades, golf ranges and golf domes.
- Medical Marihuana facilities (except in Northland ODD).

SECTION 6.

Add new Section 5.22-7 Medical Marihuana Facilities to Article 4 General Provisions as follows:

Section 5.22-7 Medical Marihuana Facilities

The purpose of this Section is to exercise the police, regulatory, and land use powers of the City of Southfield by licensing and regulating medical marihuana provisioning centers, medical marihuana grow facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical marihuana processing facilities to the extent permissible under State and Federal laws and regulations and to protect the public health, safety, and welfare of the residents of Southfield; and as such this section constitutes a public purpose.

The City of Southfield finds that the activities described in this section are significantly connected to the public health, safety, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, police, health and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement.

The City of Southfield further finds and declares that economic development, including job creation and training, and the protection of the health, safety, and welfare of Southfield Neighborhoods and residents are public purposes.

Except as may be required or permitted by law or regulation, it is not the intent of this Section to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, or Article 19 Section 5.179 of the Zoning Ordinance.

The following uses may be Permitted by Right or Permitted Subject to Special Use Approval upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in Chapter 70 have been met. This section promotes and protects the public health, safety and welfare and mitigates potential deleterious impacts to surrounding properties and persons and conforms with the policies and requirements of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), MCL 333.26421, et seq. (hereinafter “MMMA”), as amended, the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.2701 (hereinafter MMFLA) and the Marihuana Tracking Act (MTA), MCL 333.27901 (hereinafter MTA). A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Acts, or after enactment of said Acts but without being legally registered by the Department, shall be deemed to not be a legally established use, and therefore not entitled to legal non-conforming status under the provisions of City Ordinance and/or State Law. The fundamental intent of this section is to exercise the police, regulatory, and land use powers of the City of Southfield by licensing and regulating medical marihuana provisioning centers, medical marihuana grow facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical marihuana processing facilities to the extent permissible under State and Federal laws and regulations and to protect the public health, safety, and welfare of the residents of Southfield. Accordingly, this section permits authorization for activity in compliance with the MMMA, MMFLA, and MTA. Nothing in this section shall be construed as allowing a person or persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the MMMA, MMFLA, and MTA, and this section; and, nothing in this section shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

(1) Definitions:

For the purposes of this chapter:

- (a) Any term defined by the Michigan Medical Marihuana Act (“MMMA”), MCL 333.26421 et seq., as amended, the Medical Marihuana Facilities Licensing Act (“MMFLA”), MCL 333.2701, et seq., shall have the definition given in those acts, as amended,

and the Marihuana Tracking Act ("MTA"), MCL 333.27901, et seq. 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 or MTA, then the definition in the MMMA, MMFLA, or MTA shall apply.

- (b) Any term defined by 21 USC [860](#)(e) (Controlled Substance Act) referenced in this chapter shall have the definition given by 21 USC [860](#)(e) (Controlled Substance Act).
- (c) This chapter shall not limit an individual or entity's rights under the MMMA, MMFLA or MTA and these acts supersede this chapter where there is a conflict between them and the immunities and protections established in the MMMA unless superseded or preempted by the MMFLA.
- (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 Medical Marihuana Licensing Board, 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) Any use which purports to have engaged in the cultivation or processing of medical marihuana into a usable form, or the distribution of medical marihuana, or the testing of medical 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. The City finds and determines that it has not heretofore authorized or licensed the existence of any medical marihuana establishment, as defined herein, in the City in and under any form whatsoever. Any license granted pursuant to this chapter shall be exclusive to the licensee, is a revocable privilege, and is not intended to, nor shall it, create a property right. Granting a license does not create or vest any right, title, franchise, or other property right.
- (f) The following terms shall have the definitions given:
 - (1) *Application* means an application for a license pursuant to the terms and conditions set forth in the Zoning Ordinance.
 - (2) *Application for a license renewal* means an application for a license renewal pursuant to the terms and conditions of the City Code.

- (3) *Buffered use* means a use subject to the buffering and dispersion requirements.
- (4) *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. 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.
- (5) *Chapter* means Chapter 45, Zoning and Planning.
- (6) *Church* means an entire building 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.
- (7) *City* means the City of Southfield, Michigan.
- (8) *Council or City Council*, means the City Council of Southfield, Michigan.
- (9) *Clerk* shall mean the City Clerk of Southfield, Michigan.
- (10) Cultivation or cultivate as used in this chapter means: (1) all phases of growth of marihuana from seed to harvest, and drying trimming, and curing; (2) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.
- (11) *Disqualifying felony* means a felony that makes an individual ineligible to serve as a registered primary caregiver under the MMMA, MMFLA or MTA.
- (12) *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.

- (13) *License or medical marihuana business license* means a license issued for the operation of a medical marihuana establishment pursuant to the terms and conditions of this chapter and includes a license which has been renewed pursuant to the City Code.
- (14) *License application* means an application submitted for a license pursuant to the requirements and procedures set forth in the City Code.
- (15) *Licensee* means a person issued a license for an establishment pursuant to this chapter.
- (16) *Marihuana* means all parts of the plant Cannabis Sativa L., 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 preparations of the plant or its seeds or resin.
Marihuana does not include:
 - a. The mature stalks of the plant;
 - b. Fiber produced from the stalks, oil or cake made from the seeds of the plant;
 - c. 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
 - d. Any sterilized seed of the plant that is incapable of germination; or
 - e. Industrial hemp grown or cultivated or both for research, purposes under the Industrial Hemp Research Act.
- (17) *Marihuana-infused product* means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purpose of the Food Law, 2000 PA 92, MCL 289.1101—289.8111.
- (18) *Marihuana Tracking Act* or "MTA" means Public Act [282](#) of 2016 MCL 333.27901, et seq.
- (19) *Medical marihuana* means any marihuana intended for medical use that meets all descriptions and requirements for medical marihuana contained in the MMMA, MMFLA and the MTA and any other applicable law.
- (20) *Medical Marihuana Facilities Licensing Act* or *MMFLA* means Public Act 281 of 2016, MCL 333.27101, et seq.
- (21) *Medical marihuana establishment(s), or establishment,* means any facility, establishment and/or center that is required to be licensed under this chapter and possesses a

- license or approval to operate under the MMFLA, including: a medical marihuana provisioning center, a medical marihuana grower facility; a medical marihuana processor facility; a medical marihuana secure transporter; and a medical marihuana safety compliance facility.
- (22) *Medical marihuana grower 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 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.
- (23) *Medical Marihuana Licensing Board* (“MMLB”) means the State board established pursuant to the MMFLA.
- (24) *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.
- (25) *MMFLA* means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et seq. as amended from time to time.
- (26) *MMMA* means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.
- (27) *MTA* means the Marihuana Tracking Act, MCL 333.27901, et seq. as amended from time to time.
- (28) *Ordinance* means the ordinance adopting this Section of Article 4 General Provisions.
- (29) *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.
- (30) *Person* means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

- (31) *Processor or medical marihuana processor facility* means a commercial entity located in this 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 extracts resin from the marihuana or creates a marihuana-infused product, to the extent permitted by State law.
- (32) *Public playground equipment* means an outdoor facility, grouping, or concentration open to the public and on public property and containing three or more apparatus, including, but not limited to, slides, climbers, seesaws, and swings, designed for the recreational use of children and owned and operated by a local unit of government, school district, or other unit or agency of government.
- (33) *Restricted/limited access area* means a building, room or other area under the control of the licensee with access governed by the MMMA, the MMFLA, the MTA or other applicable State law.
- (34) *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 and is licensed by the City pursuant to the terms and conditions of this chapter, that receives marihuana from a medical marihuana establishment or a registered qualifying patient or a registered primary caregiver, tests it for contaminants and for Tetrahydrocannabinol and other cannabinoids in accordance with State law.
- (35) *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.
- (36) *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 for a fee and in accordance with State law.
- (37) *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.

(38) *State* means the State of Michigan.

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

(2) Uses

(a) A **Medical Marihuana Safety Compliance Facility** shall be authorized to receive marihuana from, test marihuana for, and return marihuana to only a marihuana facility and shall be subject to the following conditions:

(1) Shall only be allowed as a Use Permitted by Right in the following Zoning Districts:

- a. OS Office Service
- b. ERO/ERO-M Education Research-Office/Education Research-Office Limited
- c. B-3 General Business
- d. Northland ODD

(2) Maximum number of facilities: Per zoning compliance

(3) Hours of operation: NA

(4) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the Medical Marihuana Licensing Board (MMLB), as amended.

(5) There shall be no other accessory uses permitted within the same facility other than those associated with testing marihuana.

(6) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a safety compliance facility.

(7) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

(8) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance facility shall be prohibited.

(9) The Medical Marihuana Facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.

(10) Drive-thru facilities shall be prohibited.

- (11) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.
 - (12) A conspicuous sign(s) shall be posted stating that “No loitering is permitted” on such property.
 - (13) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Safety Compliance Facility.
 - (14) Except as provided by State law and the Zoning Ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a Safety Compliance Facility.
- (b) A **Medical Marihuana Grower Facility** shall be authorized to cultivate, trim, cure, and package marihuana for sale to Processors with a license as either a Class A (500 plants), a Class B (1,000 plants), or a Class C (1,500 plants) and shall be subject to the following conditions:
- (1) Shall only be allowed in the following Zoning Districts:
 - a. I-L Light Industrial as a Special Land Use in the Eight Mile Corridor only
 - b. I-1 Industrial as a Special Use in the Eight Mile Corridor only
 - c. Northland ODD
 - (2) Maximum number of facilities: Per zoning compliance
 - (3) Hours of operation:
 - a. Monday thru Friday 9a.m.-9p.m.
 - b. Saturday 9a.m.-6p.m.
 - c. Sunday 10a.m.-6p.m.
 - (4) Separation requirements:
 - a. 500’ from a residential district, residential use, “Drug-free School Zone”, adult regulated uses, schools, religious institutions, childcare facilities, or parks.
 - b. 1,500’ from pawn shops or alternative financial services establishments.
 - (5) All grower activities related to a Medical Marihuana Grow Facility shall be performed in a building.
 - (6) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the Medical Marihuana Licensing Board (MMLB), as amended.

- (7) Any Medical Marihuana Grow Facility shall comply with the MTA and shall maintain a log book and/or database identifying by date the amount of medical marihuana and the number of medical marihuana plants on the premises which shall not exceed the amount permitted under the grower license class issued by the State. This log shall be available to law enforcement personnel to confirm that the medical marihuana grower does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify lawful amount of medical marihuana at the facility.
- (8) The dispensing of medical marihuana at the medical marihuana grow facility shall be prohibited.
- (9) There shall be no other accessory uses permitted within the same facility other than those associated with cultivating, drying, trimming, curing, or packaging of medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from medical marihuana grow facilities.
- (10) Medical Marihuana Grow Facilities shall produce no products other than useable medical marihuana intended for human consumption.
- (11) Venting of marihuana odors into areas surrounding medical marihuana grow facilities is deemed and declared to be a public nuisance.
- (12) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a grow facility.
- (13) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.
- (14) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance facility shall be prohibited.
- (15) The Medical Marihuana Facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.
- (16) Drive-thru facilities shall be prohibited.
- (17) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.

- (18) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Grow Facility.
- (19) Except as provided by State law and the Zoning Ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a Medical Marihuana Grow Facility.
- (20) A conspicuous sign(s) shall be posted stating that “No loitering is permitted” on such property.
- (c) **A Medical Marihuana Processing Facility** shall be authorized to purchase medical marihuana from growers, extract resins, and create marihuana-infused products for sale at Medical Marihuana Provisioning Facilities, and shall be subject to the following conditions:
 - (1) Shall only be allowed in the following Zoning Districts:
 - a. I-L Light Industrial as a Special Land Use in the Eight Mile Corridor only
 - b. I-1 Industrial as a Special Use in the Eight Mile Corridor only
 - c. Northland ODD
 - (2) Maximum number of facilities: Per zoning compliance
 - (3) Hours of operation:
 - a. Monday thru Friday 9a.m.-9p.m.
 - b. Saturday 9a.m.-6p.m.
 - c. Sunday 10a.m.-6p.m.
 - (4) Separation requirements:
 - a. 500’ from a residential district, residential use, “Drug-free School Zone”, adult regulated uses, schools, religious institutions, childcare facilities, or parks.
 - b. 1,500’ from pawn shops or alternative financial services establishments.
 - (5) All processing activities related to a Medical Marihuana Processing Facility shall be performed in a building.
 - (6) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the Medical Marihuana Licensing Board (MMLB), as amended.
 - (7) Any Medical Marihuana Processing Facility shall comply with the MMFLA and MTA and shall maintain a log book and/or database identifying by date the amount of medical

marihuana and the number of medical marihuana plants on the premises which shall not exceed the amount permitted under the processor license issued by the State. This log shall be available to law enforcement personnel to confirm that the medical marihuana grower does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify lawful amount of medical marihuana at the facility.

- (8) The dispensing of medical marihuana at the Medical Marihuana Processing Facility shall be prohibited.
- (9) That portion of the structure where storage of chemicals exists shall be subject to inspection and approval by the Southfield Fire Department to ensure compliance with the Michigan Fire Protection Code.
- (10) There shall be no other accessory uses permitted within the same facility other than those associated with the processing of medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from Medical Marihuana Processing Facilities.
- (11) Medical Marihuana Processing Facilities shall produce no products other than useable medical marihuana intended for human consumption.
- (12) Venting of marihuana odors into areas surrounding medical marihuana grow facilities is deemed and declared to be a public nuisance.
- (13) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a processing facility.
- (14) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.
- (15) Exterior signage or advertising identifying the facility as a medical marihuana safety compliance facility shall be prohibited.
- (16) The Medical Marihuana Processing Facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.
- (17) Drive-thru facilities shall be prohibited.
- (18) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.

- (19) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Processing Facility.
 - (20) Except as provided by State law and the Zoning Ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a Medical Marihuana Processing Facility.
 - (21) All medical Marihuana Processing Facilities shall be certified as accredited under a recognized food safety system such as SQF, ISO 22000, BRC, or the FDA's FSMA (Food Safety Modernization Act) rules or demonstrate they are actively pursuing said certification at the time of the licensing and obtain said certification within 18 months of operation.
 - (22) The processor shall pay for and complete an annual audit using accredited third-party auditor recognized under whatever food safety system the processor is accredited under. A copy of the audit report shall be provided to the City of Southfield by the auditor within ten (10) days of the audit completion. In the event there are deficiencies identified by the auditor, the processor shall submit to the City of Southfield a correction action plan to address the deficiencies. All deficiencies shall be addressed within 30 days of submittal of the initial deficiency report.
 - (23) A conspicuous sign(s) shall be posted stating that "No loitering is permitted" on such property.
- (d) **A Medical Marihuana Secure Transporter** shall be authorized to store and transport medical marihuana and money related to purchases or sales between the various facilities. Secure Transporters are not allowed to transport to patients of Registered Primary Caregivers. Secure Transporters shall be subject to the following conditions:
- (1) Shall only be allowed in the following Zoning Districts:
 - a. I-L Light Industrial as a Special Land Use
 - d. I-1 Industrial as a Special Land Use
 - c. Northland ODD
 - (2) Maximum number of facilities: Per zoning compliance
 - (3) Hours of operation:
 - a. Monday thru Friday 8:30a.m.-9:30p.m.
 - b. Saturday 8:30a.m.-6:30p.m.
 - c. Sunday 9:30a.m.-6:30p.m.

- (4) Separation requirements:
 - a. Per Medical Marihuana Licensing Board regulations.
- (5) Each driver must have a Michigan Chauffeur's license.
- (6) Each secure transporter vehicle shall be operated by a two-person crew.
- (7) The secure-transporting vehicle shall not bear any markings or identification that it is carrying marihuana or marihuana-infused product.
- (8) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the Medical Marihuana Licensing Board (MMLB), as amended. Outside storage, excluding transport vehicles, is prohibited.
- (9) There must be security presence in place on the property at all times by security cameras. Licensed security personnel shall be required at all times when marihuana is being stored at the facility.
- (10) Any Medical Marihuana Secure Transporter shall comply with the MMFLA and MTA and shall maintain a log book and/or database identifying by date the amount of medical marihuana on the premises which shall not exceed the amount permitted under the license issued by the State. This log shall be available to law enforcement personnel to confirm that the medical marihuana grower does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify lawful amount of medical marihuana at the facility.
- (11) The dispensing of medical marihuana at the Medical Marihuana Secure Transporter shall be prohibited.
- (12) There shall be no other accessory uses permitted within the same facility other than those associated with the secure transporting of medical marihuana or marihuana-infused products. Multi-tenant commercial buildings may permit accessory uses in suites segregated from Medical Marihuana Secure Transporters.
- (13) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a processing facility.
- (14) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

- (15) Exterior signage or advertising identifying the facility as a Medical Marihuana Secure Transporter shall be prohibited.
- (16) The Medical Marihuana Secure Transporter shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.
- (17) Drive-thru facilities shall be prohibited.
- (18) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.
- (19) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Secure Transporter.
- (20) Except as provided by State law and the Zoning Ordinance, consumption and/or use of medical marihuana or marihuana-infused products shall be prohibited at a Medical Marihuana Secure Transporter.
- (21) A conspicuous sign(s) shall be posted stating that “No loitering is permitted” on such property.
- (e) **A Medical Marihuana Provisioning Center** shall be authorized to sell packaged medical marihuana and marihuana-infused products to registered qualifying patients directly or through a Registered Primary Caregiver, and shall be subject to the following conditions:
 - (1) Shall only be allowed in the following Zoning Districts:
 - a. B-3 General Business as a Special Land Use (excluding gas stations per Article 18 Section 5.169)
 - b. Northland ODD
 - (2) Maximum number of facilities: Per zoning compliance
 - (3) Hours of operation:
 - a. Monday thru Friday 9a.m.-9p.m.
 - b. Saturday 9a.m.-6p.m.
 - c. Sunday 10a.m.-6p.m.
 - d. Or per SLU Conditions
 - (4) Separation requirements:
 - a. 500’ from a residential district, residential use, “Drug-free School Zone”, adult regulated uses, schools, religious institutions, childcare facilities, parks, or another licensed Medical Marihuana Provisioning Center.
 - b. 1,500’ from pawn shops or alternative financial services establishments.

- (5) No Medical Marihuana Provisioning Center shall be located within another business except as permitted by Medical Marihuana Licensing Board regulations.
- (6) A Medical Marihuana Provisioning Center shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. Video recordings shall be maintained in a secure, off-site location for a period of 14 days.
- (7) Unless permitted by MMMA, public or common areas of Medical Marihuana Provisioning Centers must be separated from restricted or non-public areas by a permanent barrier. Unless permitted by MMMA, no medical marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.
- (8) All medical marihuana storage areas within a Medical Marihuana Provisioning Center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by MMMA, no medical marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Medical marihuana may be displayed in sales area only if permitted by the MMFLA.
- (9) Any useable medical marihuana remaining on the premises of a Medical Marihuana Provisioning Center while the Center is not in operation shall be secured in a safe permanently affixed to the premises.
- (10) No Medical Marihuana Provisioning Center may 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 Medical Marihuana Provisioning Center is operated; on any other nuisance that hinders public health, safety or welfare of the residents of Southfield.
- (11) The licenses required for this type of facility shall be prominently displayed on the premises of a Medical Marihuana Provisioning Center.
- (12) Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
- (13) All medical marihuana delivered to a patient shall be packaged and labeled as provided by State law and this Section. The label shall include:
 - a. A unique alphanumeric identifier for the person to whom it is being delivered.
 - b. A unique alphanumeric identifier for the cultivation source of the marihuana.

- c. The package contains marihuana.
 - d. The date of delivery, weight, type of marihuana and dollar amount or other consideration being exchanged in the transaction.
 - e. A certification that all marihuana in any form contained in the package was cultivated, manufactured, and packaged in the State of Michigan.
 - f. The warning that “this product is manufactured without any regulatory oversight for health, safety or efficacy. There may be health risks associated with the ingestion or use of this product. Using this product may cause drowsiness. Do not drive or operate heavy machinery while using this product. Keep this product out of the reach of children. This product may not be used in any way that does not comply with State law or by person who does not possess a valid medical marihuana patient registry card.”
 - g. The name, address, email address, and phone number of an authorized representative of the Medical Marihuana Provisioning Center whom the patient can contact with any questions regarding the product.
- (14) The licensee shall require all registered patients present both their Michigan medical marihuana patient/caregiver ID card and State identification prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Provisioning Center, and if no restricted/limited area is required, then promptly upon entering the Medical Marihuana Provisioning Center.
- (15) It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- (16) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- (17) No licensed Medical Marihuana Provisioning Center shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium within the distance limitations set forth in this Section.
- (18) Certified laboratory testing results that display at a minimum the Tetrahydrocannabinol (THC), Cannabidiol (CBD), total cannabidoid testing results, and a pass/fail rating based on the certified laboratory’s state-required testing must be available to all Medical Marihuana Provisioning Center patients/customers upon request and prominently

- displayed. All processing activities related to a Medical Marihuana Processing Facility shall be performed in a building.
- (19) All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with MMMA, MMFLA, and MTA, and the rules and regulations of the Medical Marihuana Licensing Board (MMLB), as amended.
 - (20) Any Medical Marihuana Processing Facility shall comply with the MMFLA and MTA and shall maintain a log book and/or database identifying by date the amount of medical marihuana and the number of medical marihuana plants on the premises which shall not exceed the amount permitted under the processor license issued by the State. This log shall be available to law enforcement personnel to confirm that the medical marihuana grower does not have more medical marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify lawful amount of medical marihuana at the facility.
 - (21) There shall be no other accessory uses permitted within the same facility other than those associated with the retail sales of medical marihuana. Multi-tenant commercial buildings may permit accessory uses in suites segregated from Medical Marihuana Processing Facilities.
 - (22) All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty; training programs shall be developed and implemented for all employees on recognized safe health practices in a processing facility.
 - (23) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.
 - (24) The Medical Marihuana Provisioning Center shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.
 - (25) Drive-thru facilities shall be prohibited.
 - (26) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.
 - (27) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in

conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Provisioning Center.

- (28) Except as provided by State law and the Zoning Ordinance, consumption and/or use medical marihuana or marihuana-infused products shall be prohibited at a Medical Marihuana Provisioning Center.
- (29) A conspicuous sign(s) shall be posted stating that “No loitering is permitted” on such property.

SECTION 7.

Delete Article 9 Office Service District (OS) Section 5.103 Uses Permitted and add new Article 9 Office Service District (OS) Section 5.103 Uses Permitted

Article 9 Office-Service District (O-S)

5.103 Uses Permitted

In an O-S, Office-Service, District no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter:

- (1) Executive, administrative and professional offices.
- (2) Medical offices, including clinics and medical laboratories, and Medical Marihuana Safety Compliance Centers (See Article 4 Section 5.22-7 for requirements).
- (3) Facilities for human care, such as hospitals, sanitariums, convalescent and nursing homes.
- (4) Banks and similar financial institutions.
- (5) Libraries and government office buildings and public utility offices, but not including storage yards or post offices.
- (6) Private social or fraternal clubs or lodges.
- (7) Churches and related facilities.
 - (a) Emergency Shelters for the Homeless and Soup Kitchens may be considered ancillary uses conditional upon the following: (Amended – Ordinance 1654 – 3/20/16)
 - i. Shelter and/or meal service for seven (7) or more recipients is limited to two (2) weeks maximum in any one calendar year.
 - ii. Shelter and/or meal service for seven (7) or more recipients is limited to one (1) week at a time throughout the calendar year.
 - iii. Limitations on duration for six (6) or fewer recipients of shelter and/or meal service at a time do not apply.
- (8) Public or private schools or colleges for general or vocational education.
- (9) Nursery schools.

- (10) Photographic studios and interior decorating studios.
- (11) Funeral homes.
- (12) Establishments which perform personal services on the premises such as: beauty parlors and barber shops.
- (13) Veterinary clinics and hospitals provided all activities are conducted within a totally and permanently enclosed building.
- (14) Accessory buildings or uses customarily incidental to any of the above permitted uses.

SECTION 8.

Delete Article 18 General Business District (B-3) Section 5.168 Uses Permitted and add new Article 18 General Business District (B-3) Section 5.168 Uses Permitted

Article 18 General Business Districts (B-3)

5.168 Uses Permitted

In a General Business District (B-3), no building, structure or land shall be erected or used except for the following specified uses unless otherwise provided in this Chapter:

- (1) Medical offices, including clinics, and medical laboratories, and Medical Marihuana Safety Compliance Centers (See Article 4 Section 5.22-7 for requirements).
- (2) Banks and similar financial institutions.
- (3) Post offices.
- (4) Private clubs or lodges.
- (5) Nursery schools.
- (6) Photographic studios and interior decorating studios.
- (7) Photographic reproduction, blueprinting and print shop.
- (8) Funeral homes.
- (9) Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radios, television, shoe, etc., but prohibiting major repair shops such as automotive, heavy equipment, etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.
- (10) Stores of a generally recognized retail nature which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.
- (11) Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

- (12) Publicly owned buildings, public utility buildings, including electric transformer stations, and substations and gas regulator stations excluding storage yards, water and sewer pumping stations.
- (13) Establishments of electricians, plumbers, heating contractors, bakers, painters, or similar trades in conjunction with a retail sales operation.
- (14) Assembly halls, concert halls or similar places of assembly, but excluding theaters and when conducted within enclosed buildings. (Amended - Ordinance 1279 - 5/22/89)
- (15) Open-air retail sales of plant materials and sales of lawn furniture, playground equipment and garden supplies provided that:
 - (a) The open-air sales area is enclosed with a fence.
 - (b) That such sales area is in conjunction with indoor sales of the same general type.
 - (c) That the square footage of the open sales area is no greater than the indoor sales area.
- (16) Hotels. (Amended - Ordinance 1224 - 2/16/87)
- (17) Free-standing restaurants and carry-out restaurants, and restaurants and carry out restaurants when attached to, and located within a shopping center building complex. Excluding drive-in, fast food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge, and any restaurant open 24 hours. (Amended - Ordinance 1426 - 9/24/98; Amended – Ordinance 1699 – 12/27/18)
- (18) Accessory buildings or uses customarily incidental to any of the above permitted uses which are of the character of a personal or administrative service or a retail facility for a product on a "cash and carry" basis (Amended - Ordinance 1282 - 5/22/89; Amended – Ordinance 1699 – 12/27/18)

SECTION 9.

Delete Article 18 General Business District (B-3) Section 5.169 Uses Permitted Subject to Special Approval and add new Article 18 General Business District (B-3) Section 5.169 Uses Permitted

Article 18 General Business Districts (B-3)

Section 5.169 Uses Permitted Subject to Special Approval

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following general standards have been satisfied and subject to the conditions hereinafter imposed.

Uses

- (a) Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet (9.3 square meters) of floor area per machine and if

located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building. (Amended - Ordinance 1104 - 10/11/82)

- (b) Motor vehicle washing, conveyor or non-conveyor type, when completely enclosed in a building excepting points of ingress and egress and subject to the following conditions:
- (1) All cleaning operations shall be completely enclosed within a building.
 - (2) A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.
 - (3) The driveway as provided shall be not less than ten (10') feet (3.05 meters) wide for a single lane and not less than (10) additional feet (3.05 meters) in width for each additional lane.
 - (4) Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitable protected from interference by other traffic.
 - (5) The total length of the required lane or lanes so provided for a conveyor type wash rack shall be determined by the overall length of the building, including areas having side walls but not roof. In any building where the washing operation moves in other than a straight line, the length of the building, for the purposes of this Section, shall be the distance measured along the centerline of the conveyor or wash line from the point of entry to the point of exit from the building. The overall length of the required lane or lanes, as measured along the centerline, shall be determined in accordance with the following formula: Where the building is eighty (80') feet (24.4 meters) or less in overall length, the total required lanes shall be not less than four hundred (400') feet (122 meters) in length. Where the building exceeds eighty (80') feet (24.4 meters) in length, the length of the required lane or lanes shall be increased fifty (50') feet (15.25 meters) for each ten (10') feet (3.05 meters) or fraction thereof by which the building exceeds eighty (80') feet (24.4 meters) in overall length.
 - (6) For a non-conveyor type auto wash, five (5) waiting spaces for each twenty (20') feet (6.1 meters) in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.
 - (7) The site shall be designed in such a manner that no operations are conducted off the parcel.
 - (8) A building setback of at least sixty (60') feet (18.3 meters) must be maintained from the proposed or existing street right-of-way, whichever is greater.

- (9) Ingress and egress points shall be located at least sixty (60') feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
 - (10) The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
 - (11) Gasoline sales shall be permitted on the property provided there is compliance with Section 5.169, Paragraph 2 (b-4) and 2 (c) of this Chapter.
- (c) Gasoline stations. Prohibited activities include, but are not limited to, the following: the sale of medical marihuana or medical marihuana-infused products, trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

City Council review and approval shall be for the purpose of maintaining the health, safety and welfare of the community. The City Council shall approve the use only after finding that the use is so arranged that the gasoline station will not adversely affect the normal development or use of adjacent property and further, that the gasoline station will be constructed in accordance with the following development standards.

- (1) One hundred and twenty (120') feet (36.6 meters) of street frontage on the lot proposed for the gasoline station shall be provided on the principal street serving the station.
- (2) The lot shall contain not less than twelve thousand (12,000) square feet (1,116 square meters) in area.
- (3) All buildings shall be set back not less than forty (40') feet (12.2 meters) from all existing or proposed street right-of-way lines, whichever is greater.
- (4) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15') feet (4.575 meters) from all street right-of-way lines.
- (5) Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35') feet (10.675 meters). Curb openings for such driveways shall be in accordance with the City of Southfield Standard Deceleration Lane.
- (6) Any driveway approach shall enter the property not less than twenty (20') feet (6.1 meters) from the intersection formed by the existing or proposed right-of-way lines as set forth in the Official Thoroughfare Plan, and not less than fifteen (15') feet (4.575 meters) from any adjoining property line.
- (7) Curbs in accordance with standard City specifications shall be constructed on all streets adjacent to the gasoline station site.
- (8) Lighting shall be shielded from residential property. (Amended - Ordinance 1345 - 6/8/92)

- (9) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles (Amended - Ordinance 1345 - 6/8/92)
- (10) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station (i.e. automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the planning director) which may only remain outside for display and retail sales during the hours of operation of the gasoline station. Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar, as determined by the planning director) are strictly prohibited. Any exterior convenience items which were unlawfully installed and maintained prior to the effective date of this section must be removed as of the effective date of this Section. (Amended – Ordinance 1699 – 12/27/18)
- (11) There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.
- (12) Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the City Council and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet (93 square meters) of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.
- (13) The landscape requirement for a gasoline station shall be not less than twelve and one-half (12.5) feet (3.81 meters) along a street frontage. The landscape strip need not be provided at points of approved vehicular access and may incorporate vegetated stormwater control measures. (Amended - Ordinance 1501 - 5/30/04) (Amended – Ordinance 1678 – 7/6/17)
- (14) Parking shall be determined by applying the appropriate parking standards based on the category of gasoline station (either gasoline filling station or gasoline service station) according to section 5.30, off-street parking requirements, except for in the case of gasoline filling/service station with ancillary retail sales area, in which case, in addition to said requirement, additional parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended - Ordinance 1501 - 5/30/04) (Amended – Ordinance 1641 – 5/31/15)
- (15) Ancillary retail sales of automotive and nonautomotive products related to the primary use of a gas station shall be acceptable under the following guidelines: automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar, as determined by the Planning Director; non-automotive related products of single containers of various beverages, excluding alcoholic liquor, beer and wine, and individual packages of sundries such as gum, candy, cigarettes,

newspapers, excluding medical marihuana and medical marihuana-infused products, etc. Along with milk, eggs, bread and/or other general grocery items, pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department. Non-perishable items such as clothing, footwear, hats, music and other general retail items not associated with the dispensing of motor fuel are prohibited. (Amended – Ordinance 1699 – 12/27/18)

- (16) Separate special approval for restaurants (or the sale of food items subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department) in conjunction with the primary use of a gasoline station is required. (Amended – Ordinance 1699 – 12/27/18)

(d) Automobile repair and service facilities subject to the following provisions:

- (1) Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.
- (2) All activities shall be conducted in an enclosed building.
- (3) All buildings shall be set back not less than forty (40') feet (12.2 meters) from all existing or proposed street right-of-way lines, whichever is greater.
- (4) No storage nor display of any kind shall be allowed within the street right-of-way. All display shall be so located as not to obstruct view of vehicles. (Amended - Ordinance 1345 - 6/8/92)
- (5) There shall be no outside storage or display of any kind except for the display of new merchandise to the primary use of the facility and for retail sale during the hours of operation of the facility.
- (6) There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.
- (7) Parking shall be provided on the site at a ratio of one (1) parking space for each three thousand (3,000) square feet (279 square meters) of site area.
- (8) Automobile leasing may be permitted subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet (93 square meters) of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.
- (9) The parking of tow trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

- (e) Automobile and truck agency sales and showrooms subject to the following provisions:
 - (1) The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred and fifty (150') feet (45.75 meters) and an area of not less than two (2) acres (.81 hectares).
 - (2) Ingress and egress to the outdoor sales area shall be at least sixty (60') feet (18.3 meters) from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.
 - (3) Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200') feet (61 meters) from residentially zoned property and conducted entirely within an enclosed building.
 - (4) No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
 - (5) The outside display of new and used automobiles and trucks shall be permitted but the outside storage of vehicles shall be limited to new vehicles and such storage area shall occupy no more than thirty-five (35%) percent of a lot which is used for new vehicle sales.
 - (6) A fifteen (15') foot (4.575 meters) landscaped setback shall be provided between any existing or proposed right-of-way line, whichever is greater, and any outdoor display of new or used automobiles.
 - (7) All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.
 - (8) No outside loud speaker or outside public address system shall be used.
- (f) Drive-in and fast food restaurants, any restaurant with a drive-thru, any restaurant with a bar/lounge and any restaurant open 24 hours subject to the following conditions (Amended – Ordinance 1699 – 12/27/18):
 - (1) A setback of at least sixty (60') feet (18.3 meters) from the right-of-way line of any existing or proposed street must be maintained.
 - (2) Ingress and egress points shall be located at least sixty (60') feet (18.3 meters) from the intersection of any two (2) streets and shall be directly from a major thoroughfare.
 - (3) There shall be provided an unpierced face brick wall six (6') feet (1.83 meters) in height on all sides of the premises so used except as provided below; provided said wall or fence, if required, shall be protected by means of precast concrete wheel stops or their equivalent, not less than three (3') feet (.915 meters) from said wall.
 - a. On the side of the property adjacent to the major thoroughfare, the above described wall shall be reduced to a height of three (3') feet six (6") inches (1.0675 meters).

- b. A cyclone fence may be used in lieu of a brick wall on those lot lines not adjacent to a street or alley but contiguous to property zoned in an I-L or I-1, Industrial classification
- c. No wall shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall. Any such building or structure located on adjacent property shall be protected from damage by means of precast concrete wheel stops as specified in (3) above.

(4) Parking requirements.

Parking shall be provided per Section 5.30, Off-Street Parking Requirements. (Amended – Ordinance 1641 – 5/31/15)

(5) When a building or portion of building is used for said purposes, it must be located not less than five hundred (500') feet (152.5 meters) from residentially zoned property.

- (g) Open-air display and sale of motor homes, camping trailers, vehicles other than trucks and automobiles, home owners gardening equipment and etc., provided there is no outside storage and further provided, that there shall be no display in areas that are required for parking, aisle ways, loading or sidewalks.
- (h) Retail sales operations specializing in primarily handcrafted, used merchandise and antiques which are displayed on portable tables in undivided open areas or in booth or stall-like enclosures using an arcade as a common entrance and being separated from each other by portable partitions. Said retail sales operations shall include, but shall not be limited to, so-called farmers' markets, flea markets, trading posts and the like.
- (i) Executive, administrative and professional offices.
- (j) Motels. (Amended - Ordinance 1224 - 2/16/87)
- (k) Theaters. (Amended - Ordinance 1279 - 5/22/89)
- (l) Alternative Financial Services (AFS), subject to the following conditions
Pawn shops, subject to the following conditions (Amended – Ordinance 1597 – 11/11/12):
 - (1) Cannot be located any nearer than 1,500 feet to any other Alternative Financial Services establishment or Pawn Shops.
 - (2) Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, or childcare facilities.
 - (3) Hours of operation are limited to 8:00 A.M. to 8:00 P.M.
 - (4) Drive-thru transaction stations are prohibited.
 - (5) The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
 - (6) Note: Other retail establishments where less than 10% of usable floor space is dedicated for AFS services are not subject to items 1-5 above.
- (m) Pawn shops, subject to the following conditions (Amended – Ordinance 1597 – 11/11/12):

- (1) Cannot be located any nearer than 1,500 feet to any other Pawn Shops or Alternative Financial Services establishment.
 - (2) Cannot be located any nearer than 500 feet to any residential zoning district, schools, religious institutions, parks, childcare facilities, firearm dealers or businesses selling alcohol.
 - (3) Hours of operation are limited to 8:00 A.M. to 8:00 P.M.
 - (4) Requires unobstructed view of the business from a public street, a security plan (window bars, chains, etc. are prohibited), and other *approved* operating and development standards.
 - (5) At least 30% of a first floor façade that faces a public street shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level. The business window shall not be obscured in any way, including by temporary or painted window signs. Neon signs are prohibited. The petitioner is to implement the recommendations made by the Southfield Police Department's Crime Prevention Bureau regarding site security.
 - (6) All receipt, sorting or processing of goods shall occur within a completely enclosed building.
 - (7) The building shall have lighting to provide illumination for security and safety of parking and access areas.
- (n) Smoking Lounges, subject to the following conditions (Amended – Ordinance 1619 – 3/9/14):
- (1) Must be approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of Section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.
 - (2) Hours of operation are limited to 10:00 A.M. to 12:00 A.M.
 - (3) Cannot be located any nearer than 2,640 feet (1/2 mile) to any other Smoking Lounges.
 - (4) Cannot be located any nearer than 500 feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
 - (5) Outdoor patios used for smoking cannot be any closer than 20 feet from any other business entrance or outside dining area.
 - (6) Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building and fire departments. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.
 - (7) The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.

- (8) No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.
 - (9) The maximum occupancy level for a smoking lounge shall be established by the fire department.
- (o) Shelters for the homeless, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)
 - (1) The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.
 - (2) Resident manager and support services shall be provided.
 - (3) Cannot be located any nearer than 2,000 feet to any other Emergency Shelter for the Homeless or Soup Kitchen.
 - (4) Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.
 - (5) Must be located on a major thoroughfare.
 - (6) Maximum occupancy is limited to 30 persons.
 - (7) Facilities jointly operated as an Emergency Shelter for the Homeless and Soup Kitchen must also meet the requirements for Soup Kitchens.
- (p) Soup Kitchens, subject to the following conditions: (Amended – Ordinance 1654 – 3/20/16)
 - (1) The facility must be operated by a recognized human service agency (or religious institution), incorporated by the state and which is not for profit.
 - (2) Must provide proof of license or approval by the Oakland County Health Department.
 - (3) Seating shall be provided at 100% of meal service capacity.
 - (4) Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator must ensure that persons receiving service do not block public access to sidewalks, Rights-of-Way and private property, and that emergency access points are clearly identified and maintained. Adequate space must be available to accommodate the expected number of persons who will be served meals.
 - (5) All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:00 a.m. and 7:00 p.m. The hours should be posted and clearly visible to the public. This limitation does not apply to meals served to the residents and staff of a facility that is jointly operated as an Emergency Shelter for the Homeless and a Soup Kitchen.
 - (6) Cannot be located any nearer than 2,000 feet to any other Soup Kitchen or Emergency Shelter for the Homeless.
 - (7) Cannot be located any nearer than 500 feet to any school, park, childcare facility, firearm dealer or business selling alcohol.
 - (8) Must be located on a major thoroughfare.

- (9) Maximum occupancy is limited to 50 persons.
- (q) Medical Marihuana Provisioning Centers (See Article 4 Section 5.22-7 for requirements)
Subject to review for upgrades to the site and building(s) for architectural materials, style, compatibility, building elevations, modernization and compliance.

SECTION 10.

Delete Article 19 Light Industrial District (I-L) Section 5.179 Uses Permitted Subject to Special Approval and add new Article 19 Light Industrial District (I-L) Section 5.179 Uses Permitted Subject to Special Approval

Article 19 Light Industrial Districts (I-L)

5.179 Uses Permitted Subject to Special Approval and Licensing (Amended – Ordinance 1637 – 4/5/15)

The following uses may be permitted upon the review and approval of the City Council after a recommendation from the Planning Commission. The use or uses shall only be approved when the following conditions have been satisfied and all licensing provisions in Chapter 86 have been met. This section promotes and protects the public health, safety and welfare and mitigates potential deleterious impacts to surrounding properties and persons and conforms with the policies and requirements of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1 (MMMA), MCL 333.26421, et seq. (hereinafter “MMMA”), as amended. A use which purports to have engaged in the medical use of marihuana either prior to enactment of said Act, or after enactment of said Act but without being legally registered by the Department, shall be deemed to not be a legally established use, and therefore not entitled to legal non-conforming status under the provisions of City Ordinance and/or State Law. The fundamental intent of this section is to facilitate a private and confidential qualified patient and primary caregiver relationship whereby the cultivation, distribution and use of marihuana is strictly for medical purposes. Accordingly, this section permits authorization for activity in compliance with the MMMA. Nothing in this section shall be construed as allowing a person or persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the MMMA and this section; and, nothing in this section shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana.

Uses

- (a) A Medical Marihuana Facility shall be subject to the following conditions:
 - (1) Any parcel within 500 feet of a residentially zoned district or residential use or “drug-free school zone”; any parcel within 500 feet of a parcel that contains an adult regulated use, school, church, child care facility

or park; and any parcel within 1,500 feet to any Pawn Shops or Alternative Financial Services establishment, shall not qualify for a Medical Marihuana Facility.

- (2) A State of Michigan registry identification card and a valid license issued pursuant to Chapter 86 of the Southfield City Code is required for all Medical Marihuana Facilities operated by a primary caregiver. If the primary caregiver is not the owner of the premises, then consent must be obtained in writing from the property owner to ensure the owner's knowledge of the use.
- (3) Licenses issued pursuant to Chapter 86, in addition to any state issued license, permit or certification shall be conspicuously posted on the premises.
- (4) Usable marihuana on site, when not actively distributed, shall be kept or stored within an indoor enclosed locked facility accessible only to caregivers and/or qualifying patients, as permitted under Article II, Definitions.
- (5) Marihuana, if cultivated on site, shall be kept within an indoor enclosed locked facility as defined in Article II, Definitions, of this Chapter.
- (6) Consumption of marihuana on the premises is prohibited.
- (7) There shall be no outdoor, open use or display of marihuana upon the licensed premises.
- (8) A Medical Marihuana Facility shall distribute marihuana for medical use only as authorized and in the manner permitted by the Michigan Medical Marihuana Act P.A. 2008, as amended.
- (9) No more than five qualified patients per primary caregiver. The amount of usable marihuana stored at the Medical Marihuana Facility for each patient shall be limited to: 2.5 ounces of usable marihuana (excludes seeds, stalks, and roots) and 12 marihuana plants kept in an indoor enclosed locked facility as defined under the Michigan Medical Marihuana Act P.A. 2008, as amended and as noted by the licensing requirements of Chapter 86. The Medical Marihuana Facility shall be subject to periodic and unannounced inspections to ensure compliance with all applicable laws and regulations, including, but not limited to State law and City Ordinances.
- (10) Hours of operations permitted: Monday-Friday: 9:00 A.M. - 9:00 P.M.; Saturday: 9:00 A.M. - 6:00 P.M.; Sunday: 10:00 A.M. - 6:00 P.M.
- (11) Minimum Distance from one medical marihuana facility to another shall be 250 feet.
- (12) Drive-thru facilities shall be prohibited.
- (13) Security and Lighting: A security and lighting plan shall be submitted for review and approval by the City Planning and Building Departments.
- (14) A conspicuous sign(s) shall be posted stating that "No loitering is permitted" on such property.

- (15) Entry into the premises by persons under the age of eighteen (18) is prohibited unless they are a qualifying patient and accompanied by a parent or legal guardian.
- (16) 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.
- (17) Electrical, plumbing and all other inspections required by city ordinance, must be obtained and all necessary permits must be obtained confirming that all lights, plumbing, equipment and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants is in conformance with all applicable codes; prior to the commencement of operation as a Medical Marihuana Facility.
- (18) Caregiver activity shall not be advertised as, or permitted to operate as a “Medical Marihuana Provisioning Center”, “Safety Compliance facility”, “Dispensary,” “Compassion Club”, “clinic” or “hospital”. A qualified caregiver and any other person authorized under the MMMA to assist patients, if any, shall distribute medical marihuana only on a confidential, one to one basis, with no other caregivers being present at the approved facility, provided, however, that a qualified patient’s immediate family members or guardian may be present.
- (20) Nothing in this Section shall permit or be construed or interpreted to permit a medical marihuana dispensary, provisioning center, safety compliance facility, or compassion club, and those or similar activities or uses are expressly prohibited hereunder.
- (b) Medical Marihuana Grower, Processor and Secure Transporter (see Article 4 Section 5.22-7 for requirements)

SECTION 11.

Delete Article 20 Industrial District (I-1) Section 5.185 Uses Permitted Subject to Special Approval and add new Article 20 Industrial District (I-1) Section 5.185 Uses Permitted Subject to Special Approval

Article 20 Industrial District (I-1)

5.185 Uses Permitted as a Special Land Use (Amended – Ordinance 1664 – 9/11/16)

The following uses may be permitted in the Industrial (I-1) zone as a special land use after recommendation by the planning commission and after a public hearing by the city council which may deny, approve, or approve with conditions, the request for a special land use based upon the standards and requirements following. (Amended – Ordinance 1075 – 12/7/81) (Amended – Ordinance 1662 – 5/1/16)

Uses

- (a) The following special land uses only shall be allowed on properties with frontage on Telegraph Road:

1. Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.
 2. Wholesale establishments.
 3. Restaurants with drive-thrus.
 4. General or professional office not related to an industrial or manufacturing operation.
 5. Self-storage or warehousing use not related to an industrial or manufacturing operation.
 6. New & used vehicle dealers (Class A: New Vehicle Dealer and Class B: Used Vehicle Dealer):
 - a. Banners, balloons, balloon structures, portable signs, streamers, flags, other than United States or State of Michigan designations, vehicles or persons displaying advertising signage as a means of advertising vehicles for sale on the property is strictly prohibited.
 7. Dry cleaning & laundry establishments including plants.
 8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).
 9. Medical Marijuana Secure Transporter (see Article 4 Section 5.22-7 for requirements)
- (b) The following special land uses only shall be allowed on properties with at least one hundred (100') foot wide frontage on W Eight Mile Road:
1. Contractor offices with or without ancillary showroom and storage use including landscape contractor's offices and yards.
 2. Self-storage or warehousing use not related to an industrial or manufacturing operation.
 3. Automotive repair, salvage facility, junk yard or junk storage
 4. Any use which requires the following dealer license(s) from the State of Michigan:
 - (a) Class C: Used vehicle parts dealer
 - (b) Class F: Vehicle scrap metal processor
 - (c) Class G: Vehicle salvage pool
 - (d) Class E: Distressed vehicle transporter
 - (e) Class W: Wholesaler
 5. Crematorium
 - (a) Crematorium buildings shall not be located closer than 300 feet to any residential district measured from the closest point of the building to the nearest residential district boundary line.
 - (b) Bodies to be cremated shall not be stored or kept on the premises for a period exceeding fourteen (14) calendar days.
 - (c) Any building used as a crematorium shall provide an auxiliary means of electrical service in the event of a power failure.

- (d) Any crematorium shall, at all times, be operated in full compliance with any and all applicable laws and regulations.
- 6. Dry cleaning & laundry establishments including plants.
- 7. Transportation service providers (emergency vehicle dispatch
- 8. Transportation service providers (emergency vehicle dispatch, taxi, limousine, private or charter buses).
 - (a) No motor vehicles shall run idle on the property between the hours of 10:30pm and 6:00am each day.
- 9. Motor freight depots, trucking terminals, or trucking dispatch centers.
 - (a) Access shall only be via a major thoroughfare as defined in Article 2 Definitions
 - (b) The applicant shall submit credible evidence of the provisions to be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration and smoke).
 - (c) A minimum lot area of three (3) acres shall be provided.
 - (d) All buildings and parking facilities shall be located a minimum of 100 feet from all property lines.
 - (e) Outside storage shall be permitted in accordance with Ordinance requirements.
 - (f) Any and all service work shall be performed within a completely enclosed building.
 - (g) Parking, screening and landscaping shall be provided in accordance with the requirements of the Zoning Ordinance.
 - (h) The ground surface of off-street parking and loading spaces shall be paved with asphalt or concrete to protect the surrounding uses from inappropriate dust and other disturbances.
 - (i) No motor vehicles shall run idle on the property between the hours of 10:30pm and 6:00am each day.
 - (j) No trucks shall operate between the hours of 10:30pm and 6:00am within 100 feet of a residential district boundary or residential property line.
 - (k) Recycling centers and refuse haulers.
- (c) The following special land uses shall be allowed on properties with frontage on either Telegraph Road or W Eight Mile Road:
 - 1. Oil and Gas Wells/Oil and Gas Development
 - a. Findings
 - (1) The City Council of the City of Southfield finds that Southfield is a community with significant environmentally sensitive areas that is largely residential, developed and suburban and is home to more than 1,100 acres of wetlands, 29 acres of ponds, 7 acres of lakes and 16,818 acres of watershed areas between the Rouge River Watershed and

Clinton River Watershed; and contains unique natural features such as over 2,385 acres of protected woodland, wildlife habitats, walking trails, paths, and other environmentally sensitive areas.

(2) The City of Southfield has a longstanding tradition of protecting environmentally sensitive areas as exemplified by its Wetland and Watercourse Protective Ordinance enacted on January 31, 1991, and its Woodland and Tree Preservation Ordinance enacted on August 26, 1991, and the establishment and development of the Carpenter Lake Nature Preserve and the Valley Woods Wetland Restoration Project. Additionally, the City employs a well-trained staff charged with protecting and enhancing the natural environment by implementing active programs in Woodland and Wetland protection, environmental education and planning, soil erosion and sediment control, solid waste management, nuisance and blight abatement and eradication.

(3) Preservation of environmentally sensitive areas shall be and is necessary to maintain hydrologic, economic, recreational and aesthetic assets for existing and future residents of the City of Southfield.

(4) The development of innovative methods of gas and oil exploration and extraction, has resulted in oil and gas development activities appearing in areas that traditionally have not been areas subject to oil and gas activities, such as densely populated, largely residential suburban cities in Michigan.

(5) Residents in cities across the nation and in Michigan have experienced the adverse secondary impacts of oil and gas activities where oil and gas development activities have occurred near or adjacent to residential uses.

(6) The adverse secondary impacts of gas and oil exploration and extraction experienced by residents living nearby or adjacent to oil and gas development activities include obnoxious odors and lights; excessive noise; air, soil and water contamination; contaminated drinking wells; excessive dust, traffic and debris; off pad soil erosion; local road deterioration; and wildlife habitat impacts; all adversely affecting the residential quality of life and natural resources of the city.

(7) Based on recent experiences in Michigan cities, it is recognized that state statutes and regulations do not adequately protect the health, safety and welfare of city residents, local natural resources and the community from the adverse impacts of oil and gas activities, thereby

necessitating local regulation under the City's zoning authority and general police powers of oil and gas development activities and all secondary impacts.

(8) The Michigan Zoning Enabling Act authorizes and empowers a local unit of government to provide by zoning ordinance for the regulation of land development and the establishment of one or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residences, recreation, industry, trade, service, and other uses of land, to ensure that the use of land is situated in appropriate locations and relationships, and to promote the public health, safety and welfare.

(9) The Michigan Constitution and statutes authorize the City to adopt resolutions and ordinances relating to municipal concerns to protect the public health, safety and welfare of its residents; to regulate activities that cause nuisances; to regulate activities or industries that impede upon others' quality of life, property values, and health, safety and public welfare; and to protect and preserve natural resources of the community.

(10) Federal, state, and local laws impose a substantive duty on the City pursuant to its police powers and authority to prevent or minimize likely degradation of the air, water, and local natural resources held in the public trust.

(11) Convincing evidence of the adverse secondary impacts of oil and gas development activities have been presented to the City in public meetings, hearings, in articles, from experiences of neighboring communities, and studies, reports and court cases made available to the City.

(12) It is an established legal principal that a municipality may rely on studies, reports, and experiences and evidence generated by other communities of the adverse secondary impacts of certain establishments, so long as whatever evidence that the municipality relies upon is reasonably believed to be relevant to the problem that the municipality addresses. (*Renton v. Playtime Theatres, Inc.*, 475 U.S. 41).

(13) The Courts have recognized that an ordinance furthers a substantial government interest by regulating adverse secondary impacts of certain establishments. (*City of L.A. v. Alameda Books, Inc.*), 535 U.S. 425.

(14) Courts have further recognized that proper exercise of police power is to relegate industrial establishments to locations separated from residential sections. (*Village of Euclid, Ohio v. Amber Realty Co.*), 272 U.S. 365 (1926).

(15) The reports, studies and evidence presented to the City support the finding that oil and gas exploration, extraction and development is an industrial activity that is associated with a wide variety of adverse secondary impacts including but not limited to the following: industrial operations that run twenty-four hours a day; obnoxious night-time light emitted off site; obnoxious hydrocarbon odors and/or hydrogen sulfide bearing gases emitted off site; obnoxious industrial noise emitted off site; excessive vibrations emitted off site; dust emitted off site; scattered debris on site that does not meet site maintenance standards of the community; truck traffic impeding flow of traffic and endangering pedestrian and non-motorized travel within the community; excessive truck traffic resulting in accelerated damage to roads within the community; activities that disrupt wildlife and wildlife habitats; activities near public parks that impact the natural ecosystem and quiet enjoyment of nature paths, trails, and wildlife habitats; withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties; withdrawal of groundwater resulting in impacts to the interconnected lakes, streams, ponds and wetlands within the community; contamination of groundwater, surface water and drinking water supplies; contamination of environmentally sensitive areas; off-site soil erosion that causes nutrient degradation, pollution, and wildlife habitat impacts; activities that impact the natural course and flow of storm water runoff; environmental consequences from the storage and disposal of wastewater on site; environmental consequences from the loading, unloading and off-site transport of waste and products; environmental consequences of wells and pipelines within, or in close proximity to protected wetlands, woodlands and environmentally sensitive areas within the City; and violations of provisions of the City's legally required Master Plan by forcing industrial conditions in residentially zoned areas.

b. Purposes

As a result of the findings set forth herein and otherwise considered, the City Council has determined that it is necessary to provide for the reasonable establishment of land for oil and gas development while providing adequate and appropriate health, safety, and welfare protection of Southfield residents. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas

development and the appropriate zoning district(s) within which oil and gas wells and oil and gas development activities are permitted so that these resources can be obtained in a manner than protects the environment, protects residential properties and residential property values, and mitigates associated negative impacts. This Ordinance is adopted pursuant to the powers granted to municipalities as set forth in Article 7, Section 7 of the Constitution of the State of Michigan, and the powers given to municipalities to protect the public health, safety and welfare through the Home Rule City Act, MCL 117.4; and the Michigan Zoning Enabling Act, 2006 PA 110, effective July 1, 2006, MCL 125.3101 et seq., as amended. The provisions of this Section have neither the purpose nor the effect of prohibiting or controlling the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes or to regulate the issuance of permits for the drilling, completion, operation or abandonment of oil or gas wells; and acknowledges the jurisdiction and authority of the Supervisor of Wells over the administration and enforcement of the Natural Resources Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended, MCL 324.101 et seq, and matters relating to the prevention of waste and the conservation of oil and gas in this state. However, while the Supervisor of Wells has jurisdiction and control over persons and things necessary to enforce the NREPA and the prevention of waste and conservation of oil and gas, such grant of authority does not abrogate the power and authority of the City of Southfield under the Michigan Constitution, the Michigan Zoning Enabling Act, and statutory authority to protect the public health, safety and welfare and to continue to regulate issues of local concern.

c. Necessity

The City Council declares that this section is essential to the health, safety, economic and general welfare of the people of the City of Southfield, and to the furtherance of the policy set forth in Article 7, Section 7 of the Constitution of the State of Michigan, and through the powers given to municipalities to protect the public health, safety and welfare of the citizens of Southfield through the Home Rule City Act, MCL 117.4i and Michigan's Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq.

d. Definitions of Terms

Terms not specifically defined in this Section shall have the meaning customarily assigned to them. The following words and phrases used in this Section shall have the meaning respectively given as follows:

APPLICANT: An individual, firm, company, corporation or government authority created by statute that seeks special use approval for oil and gas development activities regulated by this Ordinance.

CONTAMINATED LIQUID: Includes but is not limited to any water, waste water, liquid industrial waste, crude, oil/brine, chemical mixture with water or any other fluid or liquid which is deemed contaminated under applicable federal and/or state law.

DERRICK: Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

DRILLING PAD: The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

HYDRAULIC FRACTURING OR FRACKING: A well completion operation that involves injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to create or propagate artificial fractures for the purpose of improving the deliverability and production of hydrocarbons.

HORIZONTAL DRILLING: The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas.

IMMEDIATELY: Within one (1) hour of receipt of knowledge of a release or suspected release.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT OR OIL AND GAS DEVELOPMENT ACTIVITIES: The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. This definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

OIL AND NATURAL GAS PROCESSING PLANT: A facility designed and constructed to process crude oil and/or to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

OIL OR GAS WELL: A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

OIL OR GAS WELL SITE OR WELL SITE: The location of facilities, structures, materials and equipment (whether temporary or permanent), that are necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well, including required containment area. This definition also includes exploratory wells.

OPERATOR: An individual, firm, company, corporation or government authority created by statute that conducts oil or gas development activities on a well site pursuant to special use approval by the City Council.

NATURAL GAS COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

STORAGE WELL: A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

e. Required Conditions for Special Use Approval

In addition to the general standards set forth in Section 5.185(1)(a) through (f) herein, special use approval for oil and gas wells and oil and gas development shall be subject to the following conditions and requirements:

(1) Spacing and Setbacks. An oil or gas well and/or an oil and gas well site shall not be located closer than 600 feet of a residential dwelling or place of worship, school, hospital, child care center, or public park. This paragraph shall not be construed to restrict or prohibit underground horizontal drilling directional or horizontal drilling where lawfully permitted by the Michigan Department of Environmental Quality.

(2) Height. The completed wellhead structure shall not exceed twenty five (25) feet in height. The temporary drilling derrick/rig shall not exceed one hundred fifty (150) feet in height.

(3) Minimum lot size. The minimum lot size shall be based upon meeting required spacing and setbacks.

(4) Fencing, Landscaping, Lighting, Access Roads.

1. An oil or gas well site shall be completely enclosed within a six (6) foot high black vinyl-coated chain link fence, equipped with at least two (2) gates with a knock box to allow for entry by City of Southfield emergency personnel, if needed. All gates are to be kept locked when the operator or its employees are not on the oil or gas well site.

2. Staggered ten (10) foot tall evergreen trees shall be placed adjacent to any residentially zoned property or public Right-of-Way to screen the oil or

gas well site and drilling wellhead and pad, and the buffer shall be a minimum of twenty five (25) feet in depth. This landscape buffer shall be in place within sixty (60) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be regularly irrigated and maintained.

3. Obnoxious night-time light emitted off the well site interferes with the comfortable, quiet use and enjoyment of surrounding residential properties. Oil or gas well site lighting shall be shielded, directed downward and directed internally on the site so as to avoid glare on public roads, and adjacent property, dwellings, and buildings. The level of light (foot-candles) at common adjacent lot lines shall be zero (0). Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

4. Access roads to an oil or gas well site shall be designed and constructed to minimize nuisances to surrounding properties, obtain and comply with all required state, county, or city standards and permits, and shall be located at least fifty (50) feet from any adjoining property line.

(5) Compliance with City Code. Oil and gas development activities or other wells drilled for oil or gas exploration purposes shall comply with all applicable provisions of the City Code.

(6) Dust, Noise, Vibration, and Odors. All oil and gas development activities shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects will be minimized by the oil and gas development activities carried on at any well site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the well site or structures thereon shall not be permitted to become dilapidated, unsightly or unsafe. The City may impose additional reasonable restrictions upon oil and gas development activities to reduce adverse impacts upon adjacent properties.

(7) Hydraulic Fracturing or Fracking. Hydraulic Fracturing or Fracking is expressly prohibited within the City.

(8) Compliance with Laws and Permit Issuance. Oil and gas development activities for the purpose of oil or gas extraction shall be undertaken in conformity with all state and federal laws, statutes, rules, and regulations pertaining thereto, and particularly with the State of Michigan, the Michigan Department of Environmental Quality, and the regulations of its Supervisor of Wells. This shall include obtaining the required permit(s) from the Michigan Department of Environmental Quality and/or the Supervisor of Wells, which permit(s) shall be provided to the City before the City will consider an application for a special use approval under this Section. This requirement also applies to, but is not limited to, the plugging of wells, the exploration for, the production, marketing, and transportation of petroleum products, and the disposition and removal of any byproducts utilized and associated with such activities.

(9) Associated permits and Approvals. Special use approval for oil and gas development activities of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and is not in lieu of any permit or plan which may be required by any other provision(s) of the City of Southfield Zoning Ordinance, Building and Fire Codes, Wetlands and Watercourse Protective Ordinance, Woodland and Tree Preservation Ordinance, or other City ordinance or by any other governmental agency unless expressly provided otherwise herein.

(10) Operations

1. Well site preparation and construction of well sites are limited to the hours of 7 a.m. to 6 p.m.. Construction activities associated with establishment of the well site may be eligible for an exception permit issued by the City Department of Building and Safety Engineering pursuant to Section 9.11(2) of the City Code.

2. The movement of drilling rigs, tanker trucks, or heavy equipment used in connection with oil and gas development activities over public roads and streets, shall be consistent with the City's Traffic Engineer's approval, which shall be obtained in advance. The City's Traffic Engineer shall identify the streets and roadways which may be used, and identify any conditions that may apply.

3. All brine, mud, slush, saltwater, chemicals, wastewater, chemicals, fluids or waste, produced or used in connection with oil and gas development activities, shall be safely, lawfully, and properly disposed of to prevent infiltration of or damage to any fresh water, well, groundwater, watercourse, pond, lake or wetland.

4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut in accordance with the Section 9.41 of the City Code. Machinery and equipment not being currently used in the oil and gas development activities at the well site shall not be stored or kept at the well site.

5. An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off, or discharge of any hazardous materials, including but not limited to, any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Southfield sanitary sewer system, storm water system, or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements and applicable provisions of the City Code.

6. Oil and gas development activities shall not result in impacting residential water supplies by:

i. The withdrawal of groundwater resulting in reducing the volume or amount of well water serving residential properties.

ii. Contamination of soil, groundwater and/or drinking water supplies.

7. Oil and gas development activities shall not cause environmental consequences to protected wetlands, woodlands, and/or environmentally sensitive areas, including, but not limited to:

i. unreasonable disruption or harm to wildlife and unreasonable fragmentation or disruption of wildlife habitats;

ii. unreasonable disruption to public parks;

iii. withdrawal of groundwater resulting in an impact to the interconnected lakes, streams, ponds and wetlands within the City;

iv. contamination of soil, groundwater, surface water or environmentally sensitive areas identified by the City;

v. impacts to the natural course and flow of storm water runoff.

8. Oil and gas development activities shall comply with all permit(s) issued, all required plans as approved, and any and all conditions attached to the Special Use approval by the City Council.

(11) Inspection. The Building Official, the Fire Marshal, and any other designee of the City Administrator shall have the right and option at any time during the construction phase and any drilling operation to enter upon the premises covered by the special use approval for the purpose of making inspections to determine if the requirements of this Section are complied, including the requirements of any other law, regulation, code or ordinance.

(12) Pipelines. The operator shall not excavate or construct any lines for the conveyance of fuel, water, oil, gas, or petroleum liquids, on, under, or through the streets, alleys, rights-of-way, or other properties owned by the City without an easement from the City.

(13) Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Section 5.22 of Article 4 General Requirements of Chapter 45, Zoning and Planning, of the City Code, and Special Use as set forth herein, the following information and documentation shall be submitted by the applicant as part of the special use application, and shall be subject to the review and approval of the City in connection with the special use application:

1. Environmental Impact Statement. The Environmental Impact Statement filed with the Supervisor of Wells in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501 et. seq. and the administrative rules promulgated under Part 615, as may be amended, and any other federal or state permits required to undertake the intended oil and gas development activities at the well site. Additionally, copies of any studies and/or reports undertaken in conjunction with required federal or state permits shall be submitted.

2. Permits. A copy of all of the following City issued permits:

i. If required, a copy of wetland permit;

- ii.If required, a copy of woodland permit;
 - iii.If required, a copy of soil erosion and sediment control permit;
 - iv.If required, a copy of any building permit.
3. Schedule. A timeline and activity schedule for the proposed oil or gas activities.
4. Plans. A copy of the following plans, if applicable:
- i.Soil Erosion and Sedimentation Control Plan
 - ii.Grading Plan
 - iii.A Hydrogeological Study and Monitoring Plan
 - iv.Water Withdrawal Plan
 - v.Water Management Plan
 - vi.Truck Route Plan
 - vii.Noise Management Plan
 - viii.On-Site Chemical Storage Plan
 - ix.Waste Management and Disposal Plan
 - x.Pollution Prevention Plan
 - xi.Emergency Response Plan
 - xii.Site Identification Plan
 - xiii.Site Restoration Plan
5. Required plans shall comply with the following and shall be subject to the approval of the City:
- i.Soil Erosion and Sedimentation Control Plan. The Soil Erosion and Sedimentation Control Plan shall comply with all applicable provisions of Chapter 49, Soil Erosion and Sedimentation Control Ordinance.
 - ii.Grading Plan. The Grading Plan shall comply with all applicable provisions of Article II, of Chapter 19 of the City Code.
 - iii.Hydrogeological Study and Monitoring Plan. A Hydrogeological Study and Monitoring Plan is required for the protection of groundwater. Such study shall consist of a minimum of three (3) on-site groundwater monitoring wells at the perimeter of the drilling pad set at a depth encountering the first water bearing zone. Groundwater depth, gradient, and flow direction shall be determined within these three wells, and a down gradient groundwater monitoring well shall be installed to monitor

groundwater conditions. The initial results of the study must be included in the application submittal for the application to be considered administratively complete.

iv. Water Withdrawal Plan. A Water Withdrawal Plan shall be provided, which is designed to protect the level of water in lakes, ponds, wetlands, watersheds, groundwater and residential drinking wells located within the City.

v. Water Management Plan. A Water Management Plan shall be provided, which is designed to determine potential impacts from planned water withdrawals. The results of a valid hydrogeological investigation shall also be submitted, including, results of a valid aquifer pump test, and computer modeling to determine aquifer characteristics and the lateral radius of the cone of depression to be created at the proposed aquifer pump rate at the location of the proposed point of groundwater withdrawal.

vi. Truck Route Plan. Excessive truck traffic impedes the flow of traffic within a community and results in significant damage to the roads within the community. Therefore, a proposed Truck Route Plan shall be provided. The plan shall be developed to minimize the impact on local traffic flow and on the condition of local roads utilizing an engineered Pavement Management System (PMS) methodology to determine existing hard surface road conditions. The plan shall include the proposed routes of all trucks to be utilized at the site, the estimated weight of those trucks, the hours trucks will be traveling to and from the well site, and the estimated number of trucks entering and exiting the site on a daily basis. The Plan shall also provide for restoration of damaged roads consistent with Best Engineering Practices utilized for bituminous or concrete paving systems. The proposed Truck Route Plan shall be subject to the approval of the City Traffic Engineer.

vii. Noise Management Plan. Industrial operations in and adjacent to residential districts oftentimes generate noise that is emitted off site. Therefore, a Noise Management Plan shall be provided detailing how the oil and gas development activities complies with Section 9.10, Excessive Noise Declared Nuisance, and Section 9.11, Specific Offenses, of the City Code. The operator shall be responsible for verifying compliance with this Section and the Noise Management Plan after the installation of the noise generating equipment. The Noise Management Plan shall:

1. Provide documentation establishing the ambient noise level prior to construction;
2. Identify the oil and gas development activities on site that have the potential to cause noise impacts;
3. Specify how the impacts will be mitigated considering the following characteristics:
 - a. Nature and proximity of adjacent development;
 - b. Seasonal and prevailing weather patterns, including wind directions;
 - c. Extent of vegetative screening on or adjacent to the site;
 - d. Topography.

viii. On-Site Chemical Storage Plan. A Chemical Storage Plan containing a list and the location of all chemicals on site and the Safety Data Sheets (SDS) shall be provided and subject to the approval of the City Fire Department.

ix. Waste Disposal Plan. A Waste Disposal Plan shall be provided, detailing a complete description of all projected waste, and shall include a list of all chemical constituents and total volumes intended for disposal and the manner by which waste shall be disposed.

- x. Pollution Incident Prevention Plan (PIPP). A pollution incident prevention plan which comports with Part 31, Water Resources Protection, under NREPA, as amended, and the administrative rules promulgated thereunder, shall be provided which is designed to protect the lakes, ponds, wetlands, watersheds, soil/groundwater, ambient air, woodlands, wildlife habitats, walking trails, nature paths, and other environmentally sensitive areas of the City from contamination or pollution that may result from the proposed oil and gas development activities.
- xi. Emergency Response Plan. An Emergency Response Plan, shall be submitted to the City's Police Department, Fire Department, Planning, Department of Homeland Security and Emergency Management, Building and Engineering Departments. Also, the Applicant/Operator shall, at its sole cost and expense, provide appropriate site orientation and adequate information for on-going training to address any potential dangerous conditions that may result from the oil and gas development activities. Pursuant to state and federal law, the operator shall provide any information necessary to assist the City with establishing written procedures to minimize dangerous conditions that may result from the proposed oil and gas development activities. The Emergency Response Plan shall include the operator's emergency contact information.
- xii. Site Identification Plan. A Site Identification Plan shall be submitted delineating the location, wording and size of required site signage.
- xiii. Site Restoration Plan. A Site Restoration Plan shall be submitted showing the nature, extent and timelines for site restoration once exploration, extraction and all oil and gas development activities have ceased.
- xiv. Compliance with Section 5.55 Wetland and Watercourse Ordinance, and Section 5.56

Woodland and Tree Preservation Ordinance. All proposals for oil and gas wells and oil and gas development are subject to review for woodlands and wetlands and any permits that may be required.

6. Site Maintenance Agreement. A copy of the executed standard City Site Maintenance Agreement shall be submitted.

7. Proof of Insurance. Proof of insurance in coverages and amounts as established by resolution of the Southfield City Council including a required pollution incident liability rider shall be submitted.

8. Statement. A statement as to whether the Applicant/Operator has operated a site where a release occurred, where there was a violation of any provision of the NREPA, or where there was a finding that a nuisance existed; and, if so, the statement shall further describe each release, violation, or nuisance, and specify the date, place, jurisdiction and any emergency and/or remediation action taken.

9. General Operations. A general operations plan shall be submitted which includes, at a minimum, a description of the nature of the proposed activities, hours of operation, the number of employees, and projected duration of the oil and gas development activities.

10. Fees, Expense Reimbursement, Performance Guarantee. The Applicant/Operator shall pay the application fee and shall establish an escrow to reimburse the City for all expenses of inspection, administrative review, technical review, and for professional and consultant fees incurred including, but not limited to: engineering, planning, building, environmental, and legal fees. A performance guarantee is required in the form of cash or an automatically renewable irrevocable letter of credit, the form of which is approved by the City Attorney, in an amount sufficient to ensure compliant closure and restoration of the oil and gas well and the well site, and which may also be used by the City to respond to and remedy an emergency or exigent situation posing a threat to the public health, safety, and welfare, involving the well site and/or oil and gas development activities of the

operator, or damage to roads or other City property. The application fee, escrow, and performance guarantee shall be established by resolution of the Southfield City Council. The resolution shall be on file and made available at the office of the City Clerk.

11. Signatures Required. The Application shall be signed by both the Applicant/Operator and Property Owner, and shall be maintained by the City Planning Department.

1. Monitoring and Reporting.

1. The Operator shall notify the City immediately of a "release" as defined in Part 201, of NREPA.

2. In order to conduct the monitoring required by this Section the Operator, at its own cost, shall sample on-site groundwater monitoring wells quarterly for purgeable aromatic hydrocarbons (BTEX) and chloride, and shall report the sample results to the City Planning Department within ten (10) days of receipt of sample laboratory test results. The City reserves the right to expand the list of chemicals of concern that the Operator shall be required to monitor upon confirmation of a release.

2. Copy of Data.

1. The Operator shall copy the City on all data required to be delivered to the Michigan Department of Environmental Quality (MDEQ) and/or the United States Environmental Protection Agency (EPA) for the oil and gas development activities on site;

2. The Operator shall provide and test results to the City upon request.

3. Waste Disposal. Operator shall inform the City in writing of any modification of the waste stream and/or any new waste not included in the application. Applicant/Operator shall provide a semi-annual report to the City which includes an analysis of the waste stream for all chemical constituents and total volumes. The Operator shall also allow the City to conduct random samples of the waste stream upon a forty-eight (48) hour notice to the Operator. This sampling and testing shall be at Operator's expense. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall, under the supervision of the MDEQ, be safely, lawfully and properly disposed of to

prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.

4. Well Conversion.

a. Oil and/or Gas Wells. Prior to converting an oil or gas well to a Class II brine injection well, an Operator shall file the following updated documents and plans with the City Planning Department, for review and approval:

- i. Hydrogeological Study and Monitoring Plan;
- ii. Truck Route Plan;
- iii. Noise Management Plan;
- iv. On-Site Chemical Storage Plan;
- v. Waste Management and Disposal Plan;
- vi. Pollution Prevention Plan;
- vii. Emergency Response Plan;
- viii. Proof of Insurance.

b. Class II Liquid Industrial Waste Well. Prior to installing a new Class II liquid industrial waste well or to converting any existing well to a Class II liquid industrial waste well, an Operator shall be required to file a separate special land use request permit application that conforms to all application requirements set forth in Section 5.185(2)(c)(5)(M) hereof.

5. Notices Required; Application. Oil and gas development activities have the potential of adverse secondary impacts and very serious consequences. Further, there is oftentimes a lack of information readily available to the City and the public regarding local exploration, extraction and development of oil and gas operations. Therefore, the following notice to the City and surrounding properties is required to enable the City to ensure the protection of the health, safety and welfare of its residents, of environmentally sensitive features, residential water wells and the residential quality of life:

(a) Within five (5) days of filing an application for a permit with the State of Michigan to conduct any oil or gas development activity within the City, the Applicant shall file a copy of the permit application with the City Planning Department.

(b) Within seven (7) days of filing an application for a permit with the State of Michigan, the Applicant shall, by regular United States mail, notify the owner(s) of record and/or occupant(s) of all properties within 700 feet of the property on which

the proposed well is to be located and shall include the following information:

- 1) The name and address of the Applicant.
- 2) A statement that the Applicant has applied for a permit to drill and operate an oil and gas well.
- 3) A statement that a person may submit comments on the application by mail to the Michigan Department of Environmental Quality, and provide the applicable address, telephone number and contact person, if available.
- 4) Include a copy of the first page of the permit application.
- 5) The Applicant shall provide proof of mailing of the notices to the City Planning Department.

6. Civil Proceedings; Injunction. Any activity conducted in violation of this Section 5.185(2)(c) is declared to be a nuisance per se, and the city may commence civil proceedings in any court of competent jurisdiction necessary for the enforcement of this Section to restrain or correct violations and for the recovery of costs and expenses incurred by the City as authorized by law. Such proceedings, including injunctive relief, shall be brought in the name of the City; however, the institution of civil proceedings shall not preclude enforcement of any other proceeding authorized by ordinance, state or federal law. Further, the City may also issue a stop-work order or withhold issuance of any certificate of occupancy, permits or inspections until the provisions of this Section, including any conditions imposed by the City Council as part of the Special Use approval, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Section.

7. The standards and requirements of subsection (1) are consistent with and promote the intent and purposes of chapter 45 of the City Code and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and are consistent with the public health, safety and welfare of the city.

8. In approving a special land use, the council may impose reasonable conditions, including conditions necessary to insure that public services and facilities affected

by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

9. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the city council and the landowner.

10. The decision of the city council on a special land use shall be incorporated in a statement of conclusions relative to the special land use and shall specify the basis for the decision and for any conditions imposed.

11. A request for approval of a special land use or activity made under the provisions of this section which is in compliance with the standards and requirements stated above and with the conditions imposed pursuant to subsection (5) above, other applicable ordinances, and state and federal statutes, shall be approved.

5.185-A Required Conditions (Amended – Ordinance 1699 – 12/27/18)

- (1) Any gasoline filling station, gasoline service station, or gasoline filling/service station established before September 11, 2016 shall be considered a legal nonconforming use.
 - (a) There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station (i.e. Automotive accessories such as windshield washer fluid, motor oil, wipers, scrapers, or similar as determined by the City Planner) which may only remain outside for display and retail sales during the hours of operation of the gasoline station. Exterior convenience items (such as ice chests, newspaper boxes, vending machines, propane tanks/cages, or similar as determined by the City Planner) are strictly prohibited. Any exterior convenience items which were unlawfully installed and maintained prior to the effective date of this section must be removed as of the effective date of this section.
 - (b) The following special land uses shall be allowed on properties with frontage on W Eight Mile Road:
 1. Medical Marihuana Grower, Processor and Secure Transporter (see Article 4 Section 5.22-7 for requirements)

SECTION 12.

Should any section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 13.

Rights and duties which may have matured: penalties which have been incurred; proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 14.

This Ordinance shall become effective upon passage and publication.

KENSON J. SIVER, Mayor

SHERIKIA L. HAWKINS, City Clerk

Introduced: 09/16/2019
Enacted: 09/23/2019
Published: 10/03/2019

Table 2: PERMITTED/PROHIBITED USES

	Central Park District	Shopping District	Lifestyle District	Innovation District	Open Space District	Boundary District
Accessory and complementary uses to permitted uses	P	P	P	P	P	P
Banks	P	P	P	P		P
Banks with drive thru		P		P		P
Educational facilities	P		P	P		P
General businesses	P		P	P		P
Government offices	P		P	P		P
Hotels (excluding motels), convention centers, and banquet	P	P	P	P		P
Medical facilities, urgent care, medical research				P		P
Micro-brewery	P	P	P	P		P
Mixed-use residential	P	P	P	P		P
Health, wellness, and fitness	P	P	P	P		P
Hospitals				P		P
Office (general)	P		P	P		P
Recreational uses and facilities, including parks	P	P	P	P	P	P
Residential uses, multi family, nursing homes, assisted living	P		P	P		P
Retail facilities	P	P	P	P	P	P
Research facilities						P
Restaurants	P	P	P			P
Restaurants with drive thru		P		P	P	P
Restaurant Kiosks (min. 100 sq ft per kiosk; max 375 sq ft)				P	P	
Personal services	P	P	P	P		P
Professional business and offices	P		P	P		P
Public safety	P	P	P	P		P
Self storage facilities as an accessory use						P
Technical research and development (with accessory - less than 50% - manufacturing and assembly)				P		P
Universities and colleges	P		P	P		P
Libraries and civic organizations	P		P	P		P
Cinemas, Theaters, and Assembly Halls		P	P			P
Auto/Truck sales & showrooms (Amended - Ordinance 1709 - 10/3/19)		P				
Medical marihuana (Amended - Ordinance 1709 - 10/3/19)	P	P	P	P	P	

P: Permitted

For prohibited uses, refer to City of Southfield Zoning Ordinance 5.22-3 Section B2

	Lighting	Low Impact Design	Misc. Conditions	Pathways & Sidewalks (Non-Motorized Transit)	Parking & Circulation	
Subarea			Noise, Trash Enclosure, etc.		Cross Access	Ingress/Egress
Central Park District	All exterior light sources and lamps that emit more than 900 lumens shall be concealed or shielded with an illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Street sidewalk lighting: architectural decorative fixture, 14 ft. max. fixture height; Street driveline lightin: architectural decorative fixture; 14 ft. max. fixture height; Street drielane lighting: architectural decorative fixture; 25 ft. max. fixture height Open Space Pedstrian lighting: architectural decorative fixture; 14 ft. max. fixture height Parking area lighting: 25 ft. fixture height Special Feature Lighting: permitted in unique designs as decorative or sculptural lighting fixtures in limited locations; no cut-off requirements. Building wall-mounted or landscape accent lighting shall not exceed 900 lumens. All exterior lighting shall be designed to avoid the creation of "hot spots" or irregular lighting levels. Lighting uniformity across a horizontal surface shall have an average range from one footcandle to three footcandeles or not exceeding 4:1 average to minimum light levels. Parking areas and driveways and walkwasy need to have lighting at a minimum of 1 to 2 maintained foot candles with a uniformity ration of 4:1. Entry to building needs a minimum of 5 maintained foot candles.	Stormwater management BMPs shall be utilized within all parking areas. Refer to "SEMCOG Low Impact Design Guidelines" Per City of Southfield Green Infrastructure requirements of the Zoning Ordinance	All waste, refuse, and recycling containers and enclosures shall be incorporated within the footprint of a principal or accessory structure to the maximum extent practicable. If incorporation within the building footprint is not practicable, otudoor waste and storage containers and enclosures shall be fully screened from view on all sides by landscaping or by a decorative wall or fence finished and constructed to match the materials and design of the nearest wall of the princpal structure and shall be fully opaque year round. The wall or screen shall be at least one food taller than the height of the waste or storage container or enclosure being screened, up to a maximum of 8 feet. Chain link, vinyl, EIFS, and unfinished or non-decorative CMU are prohibited screening materials.	A 10 ft. wide asphalt, multiuse path (to be concrete along Greenfield Road) shall be provided around the perimter of the Northland Redevelopment area as indicated in the master plan. Sidewalks shall be provided along all streets. A minimum 5 ft. clear width shall be maintained. Pedestrian street crossings shall include "curb extensions", which will also define on-street parking. The curb extensions shall reduce the width of the street crossing by extending the pedestrian space to the edge of the drive lanes. Decorative pedestrian crosswalks at major intersections and pedestrian crossings shall be provided per City of Southfield standards.	Required between parking areas adjacent to another parking area.	24 ft. wide driveways, unless otherwise required as demonstrated by traffic study.
Shopping District						
Lifestyle District						
Innovation District					Sidewalks shall be provided along all streets. A minimum 5 ft. clear width shall be maintained. Pedestrian street crossings shall include "curb extensions", which will also define on-street parking. The curb extensions shall reduce the width of the street crossing by extending the pedestrian space to the edge of the drive lanes.	
Boundary District (Expandable)						
Greenspace District				N/A		