

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 1186

Effective date: May 26, 2022

TITLE: Adult Use Cannabis Retailers Overlay District

THE CITY OF TRAVERSE CITY ORDAINS:

That Chapter 1359, of the Traverse City Code of Ordinances, be enacted/amended to read in its entirety as follows:

1359.01 – Intent and Purpose

The Michigan Zoning Enabling Act, PA 110 of 2006 as amended, allows for the creation of special land development regulations to address problems and needs in specific areas. The overlay district established under this Chapter has been created to permit and regulate Adult Use Cannabis Retailers through specific standards designed to implement the goals and objectives of the City of Traverse City Master Plan or other planning documents, and to further protect the health, safety, and welfare of the community. In addition to the standards of the base zoning districts applicable to a particular site, the standards of the established special district shall also apply. To the extent there is a conflict between the standards with the applicable base zoning district, the standard of the special district shall apply.

1359.02 – Adult Use Cannabis Retailers Overlay District Map

The locations where Adult Use Cannabis Retailers may operate shall be depicted on the Adult Use Cannabis Retailers Overlay District Map, which has been divided into separate subareas. The Adult Use Cannabis Retailers Overlay District Map shall be considered as part of the Zoning Map for the City of Traverse City.

An amendment to the Zoning Map for the City of Traverse City that results in a parcel being rezoned to a district where Adult Use Cannabis Retailers are an allowed use shall not automatically result in that parcel being eligible for the use. A separate amendment shall be required to include the parcel in an eligible subarea of the Adult Use Cannabis Retailers Overlay District Map.

1359.03 – General Standards

The following standards shall apply to all Adult Use Cannabis Retailers:

- (1) The Adult Use Cannabis Retailer and use shall comply at all times with the Michigan Regulation and Taxation of Cannabis Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended, the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Regulation and Taxation of Cannabis Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended, as they may be amended from time to time;
- (2) All dimensional and special requirements of the underlying base zoning district shall be applicable;

- (3) The Adult Use Cannabis Retailer shall be listed as a permitted use in the underlying base zoning district in order to operate;
- (4) The Adult Use Cannabis Retailer shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.;
- (5) Co-location with other Cannabis Adult-Use Cannabis Establishments or Medical Cannabis Facilities may occur only as specifically permitted by the Medical Cannabis Facilities Licensing Act and the Michigan Regulation and Taxation of Cannabis Act and any corresponding administrative rules, regulations and ordinances;
- (6) No use or consumption of Cannabis shall be allowed at the Adult Use Cannabis Retailer;
- (7) An Adult Use Cannabis Retailer shall not be located within a 1,000-foot radius from any existing school;
- (8) The Adult Use Cannabis Retailer shall have at all times a valid and current operating license issued by the State and permit from the City of Traverse City pursuant to the applicable Codified Ordinances of the City of Traverse City;
- (9) All activities of an Adult Use Cannabis Retailer shall be conducted within the building;
- (10) The smell of Cannabis shall not be detectable outside of the portion of any structure where Cannabis is present.

1359.04 – Subarea A Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea A as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 2 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 2 license may be issued.

1359.05 – Subarea B Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea B as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 2 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 2 license may be issued.
- (2) An Adult Use Cannabis Retailer shall not occupy the first floor of any structure located on the 100 block of East Front Street.

1359.06 – Subarea C Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea C as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 2 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 2 license may be issued.
- (2) An Adult Use Cannabis Retailer shall not occupy the first floor of any structure located on the 200 block of East Front Street.

1359.07 – Subarea D Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea D as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 2 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 2 license may be issued.

1359.08 – Subarea E Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea E as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 5 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 5 license may be issued.

1359.09 – Subarea F Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea F as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 2 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 2 license may be issued.

1359.10 – Subarea G Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea G as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 2 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 2 license may be issued.

1359.11 – Subarea H Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea H as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 3 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 3 license may be issued.

1359.12 – Subarea I Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea I as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No more than 4 Adult Use Cannabis Retailer may be licensed and any given time, and that no more than 4 license may be issued.

1359.13 – Subarea J Standards

The following additional standards shall apply to Adult Use Cannabis Retailers in Subarea J as designated on the Adult Use Cannabis Retailers Overlay District Map:

- (1) No Adult Use Cannabis Retailer may be licensed and any given time and that no licenses may be issued.

The effective date of this Ordinance is the 26th day of May, 2022.

I hereby certify the above ordinance amendment was introduced on April 18, 2022, at a regular meeting of the City Commission and was enacted on May 16, 2022, at a regular meeting of the City Commission by a vote of Yes: 4 No: 3 at the

Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

Richard I. Lewis, Mayor

Benjamin Marentette, City Clerk

I hereby certify that a notice of adoption of the above ordinance was published in the Traverse City Record Eagle, a daily newspaper published in Traverse City, Michigan, on May 20, 2022.

Benjamin Marentette, City Clerk