

ORDINANCE 2019-06

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan to amend the development approval procedures for medical marihuana facilities.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose. To amend the development approval procedures for medical marihuana facilities to be consistent with the intent of the previous City Council adopted Chapter 16 amendments specific to setbacks from State licensed day care facilities.

Section 2. That Chapter 28 of the Code of Ordinances of the City of Jackson, Michigan, and the same hereby is, amended to read as follows:

ARTICLE V. - DEVELOPMENT APPROVAL PROCEDURES

Sec. 28-140. - Additional development requirements for certain permitted uses.

The following minimum nondiscretionary standards must be met for the permitted uses specified in this section:

- (2) *Medical marihuana facility use setbacks.* Medical marihuana facilities, excluding transport facilities, must comply with the following use setback requirements:
- a. Setback of one thousand (1,000) feet of any public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - b. Setback of one thousand (1,000) feet of a park or playground;
 - c. Setback of one thousand (1,000) feet of a housing facility owned by a public housing authority;
 - d. Setback of one thousand (1,000) feet of a State licensed day care facility as defined by P.A. 116 of 1973, as amended, along with any associated rules as established by the State of Michigan, including any and all accessory uses/facilities.
 - e. Setback of two hundred and fifty (250) feet of a residentially zoned parcel;
 - f. Setback of five hundred (500) feet of a church or other house of worship that has received tax exempt status from the City Assessor;
 - g. Setback of five hundred (500) feet of another medical marihuana business establishment as measured from the closest building line unless co-location has been approved by the City;
 - h. Setback one hundred (100) feet of a public or private youth center, swimming pool, or video arcade facility;
 - i. All distances shall be measured from property line to property line except as noted in subsection (2)f above;

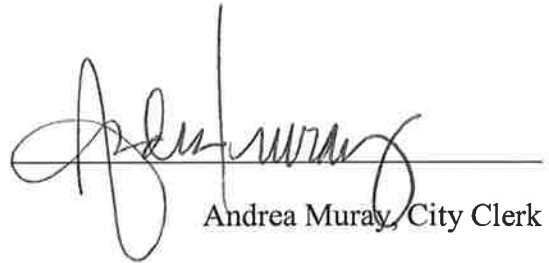
- j. For parcels upon which the use setbacks extend into the property lines, the building setbacks (see Sec. 28-74 and Sec. 28-75) shall be measured from said use setbacks instead of the property line. The remaining portion of the parcel that lies within the required use setback must be returned to its natural state (no structures shall remain). All other Chapter 28 zoning requirements shall apply;

(A graphic will be inserted into the Code to clarify use setback inside property lines.)

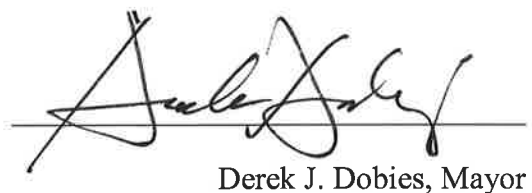
- j. All other applicable Chapter 28 regulations shall apply to such uses; and
l. The outdoor cultivation of medical marihuana must comply with the LARA Rules and applicable State law, as amended.

Section 3. This Ordinance takes effect on the date that a companion licensing ordinance for marihuana goes into effect.

Adopted: The foregoing Ordinance 2019-06 was adopted by the Jackson City Council on February 12, 2019 and a summary was published on February 17, 2019.



Andrea Murray, City Clerk



Derek J. Dobies, Mayor