

ORDINANCE 2020 - 06

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan to modify the regulations for medical and adult use marihuana facilities for the health, safety and welfare of the citizens of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose. To modify the zoning regulations for medical and adult use marihuana facilities for the health, safety and welfare of the citizens of Jackson.

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 I. IN GENERAL

Sec. 28-5. - Definitions¹.

Unless context indicates otherwise, the following words and phrases used in this chapter have these meanings:

Co-location of one (1) medical and one (1) adult use marihuana facilities means that comparable medical and adult uses may be combined in the same suite and not considered a secondary license as regulated in Sec. 28-140 of the Code.

Cyber School means a full time instructional program of virtual courses for pupils that may or may not require attendance at a physical school location.

School means a public or private licensed pre-school, or a public, private, or charter elementary, middle, junior high, or high school, vocational school, secondary school, community college, or other institution of higher education.

Virtual course means a course of study that is capable of generating a credit or a grade and that is provided in an interactive learning environment in which the majority of the curriculum is delivered using the internet and in which publics are separated from their instructor or teacher of record by time or location, or both.

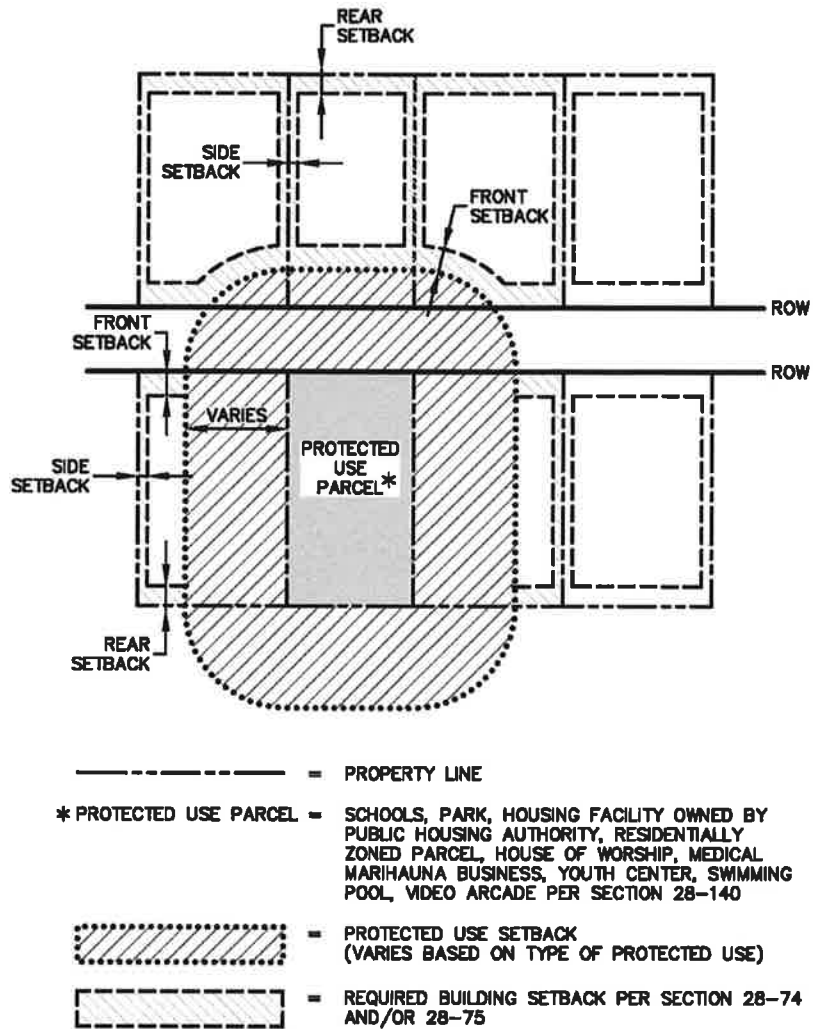
ARTICLE V. - DEVELOPMENT APPROVAL PROCEDURES

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

¹ The definitions in this Ordinance are in addition to the existing definitions in Section 28-5 of the City of Jackson Code of Ordinances. This ordinance does not alter or delete any existing Code definition.

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

- (2) *Medical and adult use marihuana facility use setbacks.* Medical and adult use 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 five hundred (500) feet of the physical location of any cyber school as defined in Sec. 28-5 and as measured from door to door.
 - c. Setback of one thousand (1,000) feet of a park and/or playground;
 - d. Setback of one thousand (1,000) feet of a housing facility owned by a public housing authority;
 - e. Setback of one thousand (1,000) feet of a day care facility, including any and all accessory uses/facilities.
 - f. Setback of five hundred (500) feet of a substance abuse treatment, rehabilitation, or prevention facility as defined and licensed by the Department of Licensing and Regulatory Affairs (LARA).
 - g. Setback of two hundred and fifty (250) feet of a residentially zoned parcel;
 - h. Setback of five hundred (500) feet of a church or other house of worship that has received tax exempt status from the City Assessor;
 - i. Up to two (2) facilities may be located within five hundred (500) feet of another medical or adult use marihuana business establishment as measured from the closest building line unless co-location has been approved by the City as per Sec. 28-140(3);
 - j. Setback one hundred (100) feet of a public or private youth center, swimming pool, or video arcade facility;
 - k. All distances shall be measured from property line to property line except as noted in subsection (2)b and (2)i. above;
 - l. For parcels upon which the use setbacks extend inside the property lines, the building setbacks (see Sec. 28-74 and Sec. 28-75) shall be measured from said use setback 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; and

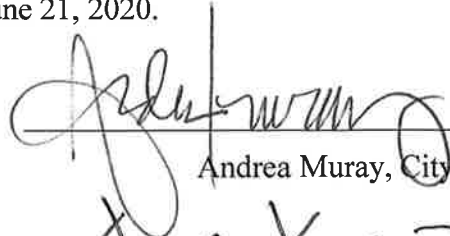


m. All other applicable Chapter 28 regulations shall apply to such uses.


- (3) *Medical and adult use marihuana facility co-location.* Medical and adult use marihuana facilities may co-locate in the same suite provided they are under the same ownership structure and each complies with the respective zoning and licensing requirements as outlined in the applicable City and State laws/rules. However, only up to two (2) comparable medical and adult uses may co-locate under one (1) City license.

Section 3. This Ordinance takes effect on the date that the companion licensing ordinance amendments go into effect.

The foregoing Ordinance 2020-06 was adopted by the Jackson City Council on the 16th day of June, 2020 and a summary was published on June 21, 2020.



Andrea Muray, City Clerk



Derek J. Dobies, Mayor