

**Exhibit A  
Ordinance 2020-07**

**Text Amendments to Zoning Ordinance for  
Marihuana Establishments**

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- I. Article II Definitions; Rules Applying to Text, § 770-8 Definitions, shall be amended by adding definitions for “marihuana establishment,” which shall read as follows:
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**ARTICLE II  
Definitions; Rules Applying to Text**

**§ 770-8. Definitions.**

MARIHUANA ESTABLISHMENT – As defined in Chapter 435, Marihuana, Article I, Recreational Marihuana Establishments, including, but not limited to, the following: designated consumption establishment; event organizer; excess grower; grower; microbusiness; processor; retailer; safety compliance facility; secure transporter; and temporary event.

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- II. Article IV Zone Regulations and General Provisions, § 770-41 General Business, subsection C Special Land Uses, shall be amended by adding subparagraph (27), which shall read as follows:
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**ARTICLE IV  
Zone Regulations and General Provisions**

**§ 770-41. General Business.**

C. Special Land Uses.

- (27) Marihuana retailers or microbusiness, subject to the requirements set forth in § 770-52.1, Marihuana Establishments. All other marihuana establishments shall be prohibited.
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- III. Article IV Zone Regulations and General Provisions, § 770-44 General Industrial, subsection C Special Land Uses, shall be amended by adding subparagraph (31), which shall read as follows:
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ARTICLE IV  
**Zone Regulations and General Provisions**

**§ 770-44. General Industrial.**

C. Special Land Uses.

- (31) Marihuana establishments (except for designated consumption establishments, excess marihuana growers, marihuana event organizers, and temporary marihuana events, all of which are specifically prohibited), subject to the requirements set forth in § 770-52.1, Marihuana Establishments.
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- IV. Article V Special Provisions, shall be amended by adding §770-52.1 Marihuana Establishments, which shall read as follows:
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ARTICLE V  
**Special Provisions**

**§ 770-52.1. Marihuana Establishments.**

- A. Purpose & Intent. It is the general purpose and intent of the City to authorize marihuana establishments in a manner that will ensure compatibility with adjacent land uses, maintain the integrity of neighborhoods, and retain the character, property values and aesthetic quality of the community at large. Regulation of the locations of these uses is necessary to ensure that any negative secondary impacts that such businesses may have will not cause or contribute to the blighting or downgrading of the City's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impacts of their operations may be minimized by the separation of such uses from one another and from schools. It is neither the intent nor effect of this section to deny the medical use of marihuana as defined by and in accordance with the Michigan Medical Marihuana Act (MCL 333.26421 et. seq.), as amended.
- B. General Standards. These provisions are intended to allow marihuana establishments within appropriately zoned properties as special land uses in accordance with the standards and procedures set forth in § 770-11, Special Land Uses; Permit Procedures, provided the final determination of approval, approval with conditions, or denial shall be made by the City Commission following a recommendation from the Planning Commission. Furthermore, all marihuana establishments shall be subject to the following:
- (1) An application for a marihuana establishment shall include a site plan prepared in accordance with § 770-12, Site Plan Review, along with documentation that:
- (a) The petitioner has pre-qualification status for an applicable license with the State of Michigan; and

- (b) A complete application for an applicable license with the City of Royal Oak has been accepted and awarded a municipal license slot in accordance with Chapter 435, Marihuana, as amended.
- (2) No marihuana establishment shall be permitted unless the City Commission determines it will not be detrimental to the neighborhood based upon the following criteria:
  - (a) The establishment is designed and will be constructed to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
  - (b) The establishment will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future.
- (3) No marihuana establishment shall be permitted within a 1,000-foot radius of any existing public or private school with a curriculum equivalent to kindergarten through 12<sup>th</sup> grade. No marihuana retailer or marihuana microbusiness shall be permitted within a 1,000-foot radius of any existing retailer or microbusiness within the City of Royal Oak. Measurement of either radius shall be made from the outermost boundaries of the lot or parcel upon which the respective establishments are or would be situated.
- (4) Designated consumption establishments and excess marihuana growers shall be specifically prohibited in any zoning district. Marihuana event organizers and temporary marihuana events shall be specifically prohibited in any zoning district, unless otherwise approved by the City Commission in accordance Chapter 435, Marihuana, as amended.
- (5) Marihuana establishments shall be prohibited at any location that was conditionally zoned to an appropriate zoning district within which such uses are allowed, or a property that is zoned “planned unit development” (PUD), unless they are specifically permitted under the applicable conditional zoning agreement or development agreement.
- (6) Drive-through lanes and windows and walk-up windows shall be prohibited.
- (7) Each marihuana establishment shall be permitted one wall sign, as defined in Chapter 607, Signs, with a maximum area not to exceed 50 square feet or 5% of the building façade area, whichever is less. All other signs, including but not limited to freestanding signs, window signs, and electronic message centers, shall be prohibited.
- (8) Unshielded luminous tubes (i.e., neon or argon lights), fluorescent light fixtures, fiber optic lights, light emitting diodes, bare light bulbs, or similar lighting shall be prohibited as permanent architectural details or enhancements on any building façade or the exterior of any structure, including but not limited to windows and window openings, doors and door openings, rooflines, cornices, and eaves.
- (9) Architectural enhancements that are designed to accent, emphasize, feature, highlight, or draw attention to a building but are neither required nor recommended in accordance with § 770-30, General Building Design and Project Compatibility, shall be prohibited.
- (10) Security devices such as security curtains, steel bars, metal gates, and similar apparatus shall be prohibited on the exterior of a building. Security devices may be permitted inside a building provided that the device is (a) retractable so it is not visible from the sidewalk

or public right-of-way during regular business hours, and (b) equipped with an emergency release device approved by the Royal Oak Fire Department.

- (11) Site plans for marihuana establishments shall incorporate low-impact development techniques or green infrastructure that significantly reduces stormwater run-off and/or the need for stormwater detention, such as but not limited to rain gardens, bioswales, green roofs, and permeable or pervious pavement surfaces. The Planning Commission and City Commission may determine alternate requirements as deemed necessary and advisable during the course of their special land use permit and site plan review process.
- (12) Applicable licenses with the State of Michigan and the City of Royal Oak shall be maintained.
- (13) The City Commission may impose such reasonable conditions and safeguards it deems necessary to protect the public health, safety and general welfare from excessive noises, traffic, obnoxious and unhealthy odors and any detrimental effects from the general operation of any marihuana establishment, and to minimize any adverse effect on the character of the surrounding area.
- (14) Deviations from applicable setback, parking, and other requirements may be granted by the City Commission, provided there are features or elements demonstrated by an applicant and deemed adequate by the City Commission upon the recommendation of the Planning Commission that are designed into the site plan for purpose of achieving the objectives of this section.

V. Article IX Off-Street Parking & Loading, §770-107 Table of Off-Street Parking Requirements, shall be amended by adding minimum required amounts of off-street parking for “marihuana retailers” and “marihuana microbusinesses” under general commercial uses, and “marihuana growers, processors, secure transporters, and safety compliance facilities” under industrial uses, all of which shall read as follows:

**ARTICLE IX  
Off-Street Parking and Loading**

**§ 770-107. Table of Off-Street Parking Requirements.**

<b>Use</b>	<b>Required Number of Parking Spaces Per Each Unit of Measure</b>	<b>Unit of Measurement</b>
<b>General Commercial Uses</b>		
Marihuana retailers	1.5	Per each 200 square feet of usable floor area.

Use	Required Number of Parking Spaces Per Each Unit of Measure	Unit of Measurement
Marihuana microbusinesses	1.5	Per each 200 square feet of usable retail floor area, plus
	1	Per each 800 square feet of usable growing and processing floor area.
<b>Industrial Uses</b>		
Marihuana growers, processors, secure transporters, and safety compliance facilities	1	Per each 800 square feet of usable floor area.

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