

**City of Pontiac Zoning Ordinance**  
**Sections Regarding Medical Marihuana as of July 18, 2024**

**SECTION 2.204, TABLE 2:**

Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use				o Special Exception Use				[blank] Use Not Permitted			
	* Special Exception Permit Uses Outside				● Principal Permitted Uses in the Medical Marihuana							
	the Medical Marihuana Overlay Districts								Overlay Districts			
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts				Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2		IP-1
Residential Uses												
Mixed Use Building – residential with non-residential			o	o	■	■	■					Section <u>2.501</u>
Boarding or Lodging House			o	o								Section <u>2.502</u>
Multiple Family Manor House (3-4 units)		o	■	o								Section <u>2.503</u>
Multiple Family Apartment Building (3+ units)			■		o	■						Section <u>2.504</u>
One Family Dwelling Unit	■	■	■	■								Section <u>2.505</u>
State Licensed Residential Facility and/or Home (6 or fewer clients)	■	■	■	■								Section <u>2.506</u>
State Licensed Residential Facility and/or Home (7 or more clients)		o	o	o								Section <u>2.506</u>
Unlicensed Residential Facility and/or Home			o									Section <u>2.506.1</u>
Townhouse (3+ units)		o	■	o	o	o						Section <u>2.507</u>
Two Family Dwelling Unit		■	■									Section <u>2.505</u>
Commercial, Office, and Service Uses												
Automobile Service (Commercial)					o		o	o	■	■		Section <u>2.509</u>
Bakery or Confectionary			o		■	■	■	■				Section <u>2.510</u>

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USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Bank or Financial Institution			o		■	■	■	■					
Bar, Tavern, or Alcohol Service Establishment					■	■	■	■					
Business Service Establishment					■	■	■	■					
Child Care Center or Day Care Center		o	o	o	■	o	■	■				Section 2.511	
Funeral Home or Mortuary					■	■	■						
Gallery or Studio			o	■	■	■	■	■	■	■			
Lodging Uses													
Bed & Breakfast	o	o	o	o	o	■						Section 2.512	
Inn				o	o	■	■	■					
Hotel						■	■	■					
Learning Center			o	■	■	■	■	■					
Medical Clinic					o	■	o						
Medical Marihuana Grower (D)									●	●	●	Section 2.545	
Medical Marihuana Processor (D)									●	●	●	Section 2.546	
Medical Marihuana Provisioning Centers (D)						●	●*		●	●		Section 2.547	
Medical Marihuana Safety Compliance Facility (D)					*	●	●*	*	●*	●*	●	Section 2.548	
Medical Marihuana Secure Transporter (D)					*	●	●*	*	●*	●*	●	Section 2.549	
Mobile Food Parklet (allowed in the Mobile Food Parklet Overlay District only)												Section 2.551	

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USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Office			o	■	■	■	■	■					
Pawn Shops				o	o	o	o						Section <u>2.513</u>
Personal Service Establishment			o	■	■	■	■	■					
Pet Boarding Facility					■		■	■	■	■	■		Section <u>2.532</u>
Place of Assembly (<50 persons at maximum occ.)			o	o	■	■	■	■	■	■			Occupancy determined by fire code
Place of Assembly (51+ persons at maximum occ.)					o	■	■	■	■	■			
Restaurant			o	o	■	■	■	■					Only on A or B Street
Retail Sales													
Small indoor – up to 5,000 sq. ft.			o		■	■	■	■					
Medium indoor – 5,001 – 75,000 sq. ft.					■	■	■	■					
Large indoor – no area limit								■					
Unlimited outdoor							o	o	■	■			Section <u>2.514</u>
Retail Sales (packaged alcoholic beverages)					o	o	o	o					Section <u>2.515</u>
Sexually Oriented Businesses									o	o	o		Section <u>2.508</u>
Workshop/Showroom					o	■	■		■	■	■		Section <u>2.516</u>
<b>Industrial Uses</b>													
Automobile Service (Industrial)							o		■	■	o		
Heliport									o	o			

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USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Manufacturing, Fabrication and Processing													
Light							■		■	■	■	Section 2.517	
General									o	■	o	Section 2.517	
Heavy										o		Section 2.518	
Mini-Warehouse							o		■	■		Section 2.519	
Movie and Television Production Facility						■	o		■	■	■		
Outdoor Storage or Outdoor Yard (major)									o	o	o	Section 2.520	
Recycling Center									o	■			
Recycling Plant or Scrap Processing										o			
Research Facility (general)									■	■	■		
Research Facility (major)									o	■	o		
Salvage Yards/Resource Recovery Facilities/Junk Yards										o			
Service and Repair (industrial)									■	■	■		
Terminal, Public Transportation	o	o	o	o	■	■	■	■	■	■	■		
Terminal, Freight									■	■	o		
Wholesale Storage/Distribution													
Nontoxic, nonhazardous materials							■		■	■	■		
Toxic or hazardous materials									o	■	o		
Community, Education and Institution uses													

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	the Medical Marihuana Overlay Districts							Overlay Districts						
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD		
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1			
Assisted Living Facility		o	o	o	■	■	■					Section <u>2.521</u>		
Cemetery or Crematorium	o	o	o		o		o		o	o	o	Section <u>2.522</u>		
Community Center Building	■	■	■											
Community Service Facility		o	o	o	o		o		■	■		Section <u>2.523</u>		
Cultural or Municipal Use	o	o	■	■	■	■	■	■	■	■	■			
Hospital						■	■							
Nursing Home		o	o	o	■	■	■					Section <u>2.521</u>		
Private Club, Fraternal Organization, or Lodge Hall			o	o	■	■						Only permitted along A or B street		
Public Parking Lot/Structure					o	o	o							
Religious Institution	o	o	o	■	■	■	■	■	■	■		Section <u>2.524</u>		
School, College or University	o	o	o	o	o	o	o					Only permitted along A or B street		
School, Primary or Secondary	o	o	o	o	■	■	■							
School, Vocational				■	■	■	■		■	■	■			
Utility (minor)	■	■	■	■	■	■	■	■	■	■	■			
Utility (major)	o	o	o	o	o	o	o	o	■	■	■			
Recreation Uses														
Golf Course	o	o	o											
Private Recreation														

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	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2		IP-1	
Small Indoor					■	■	■		■	■	o		
Large Indoor					o	o	o	o	■	■	o		
Small Outdoor	o	o	o	o					■	■	o	Section 2.525	
Large Outdoor					o	o	■	o	■	■	o	Section 2.526	
Park or Recreation Facility	■	■	■	■	■	■	■	■	■	■	■		
Animal and Agriculture Uses													
Agriculture, Urban	■	■	■	■	■	■	■	■	■	■	■	Section 2.527	
Bee Keeping	■	■	■									Section 2.528	
Community Gardens	■	■	■									Section 2.529	
Greenhouse or Nursery					o		■		■	■	■	Section 2.530	
Kennels									■	■	■	Section 2.531	
Veterinary Hospital or Clinic					■		■		■	■		Section 2.533	
Accessory, Temporary, and Other Uses													
Accessory Building or Structure	■	■	■	■	■	■	■	■	■	■	■	Section 2.205.C	
Boarders or Roomers (up to 2 per d.u.)	■	■	■	■								Section 2.534	
Drive-Through Facility (accessory to any principal use)					o	o	o	■				Section 2.535	
Helipad						o	o		o	o	o		
Home Occupation	■	■	■	■	■	■	■					Section 2.536	
Outdoor Retail Sales (accessory to a permitted					o	o	■	■	■	■	■	Section 2.537	

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	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
use)													
Outdoor Retail Sales (temporary or seasonal)				■	■	■	■	■	■	■	■		Section <u>2.538</u>
Outdoor Sidewalk or Patio Dining (accessory to a permitted use)			○	○	■	■	■	■					Section <u>2.539</u>
Outdoor Storage (accessory to a permitted use)				○	○	○	■	■	■	■	■		Section <u>2.540</u>
Sustainable Energy Generation													
Small Wind Energy System	■	■	■	■	■	■	■	■	■	■	■		Section <u>2.541</u>
Utility Wind Energy System										○			Section <u>2.541</u>
Solar Energy System	■	■	■	■	■	■	■	■	■	■	■		Section <u>2.541</u>
Temporary and Special Events	■	■	■	■	■	■	■	■	■	■	■		Section <u>2.542</u>
Temporary Construction Facilities	■	■	■	■	■	■	■	■	■	■	■		
Wireless Telecommunication Facilities	○	○	○	○	○	○	○	○	■	■	■		Section <u>2.543</u>

**SECTION 2.545(G)(5) Medical Marihuana Grower Facilities.**

“Grower” means a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center, as defined in the Medical Marihuana Facility Licensing Act (“MMFLA”). As used in this ordinance, grower shall include class A growers, class B growers, and class C growers.

“Class A grower” means a grower licensed to grow not more than 500 marihuana plants.

“Class B grower” means a grower licensed to grow not more than 1,000 marihuana plants.

“Class C grower” means a grower licensed to grow not more than 1,500 marihuana plants.

**A. General Provisions.**

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana grower facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.
3. All activity related to the medical marihuana growing shall be done indoors.
4. Any medical marihuana grower facility 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 issued by the State of Michigan. 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 the lawful amount of medical marihuana at the facility.
5. The medical marihuana grower facility shall, at all times, comply with the MMFLA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations (“LARA”), as amended from time to time.

**B. Security.**

1. The medical marihuana grower facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall



be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable medical marihuana remaining on the premises of a marihuana grower while the medical marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MMFLA, public areas of the medical marihuana grower facility must be separated from restricted or nonpublic areas of the grower facility by a permanent barrier.
2. Unless permitted by the MMMA, no medical marihuana Is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.**

1. Medical marihuana grower facilities shall be free from Infestation by insects, rodents, birds, or vermin of any kind.
2. Medical marihuana grower facilities shall produce no products other than usable medical marihuana intended for human consumption.
3. No medical marihuana grower shall 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 grower is operated.

**E. Licensing.**

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana grower facility.
2. Medical marihuana grower uses are not permitted outside the Cesar Chavez and Walton Boulevard Medical Marihuana Overlay Districts.
3. Medical marihuana growers are not permitted within the same facility with nonmedical marihuana facility uses.

**F. Disposal of Waste.**

1. 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.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.
3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana grower shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
  - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.
5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.545(I)(4).

**H. Co-Location.**

1. There shall be no accessory uses permitted within the same facility other than those associated with a processor and provisioning center.
2. Multiple class C licenses may be stacked in the same facility as defined by the MMFLA, and shall only be considered as one facility for the purposes of this subsection, provided that a separate application fee is paid for each class C license.

**I. Building Design.**

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
4. **Exterior Facade.** Exterior surfaces and signage of a Medical Marihuana Grower Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance. The use of any shade of green either in the façade of the building or otherwise visible from the exterior of the building shall be strictly prohibited, including, but not limited to, the use of paint, lighting, window coverings, and/or any other building materials.

**SECTION 2.546: Medical Marihuana Processor.**

“Processor” means a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a provisioning center.

**A. General Provisions.**

1. The processor shall comply at all times and in all circumstances with the MMFLA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana processor, and a sign shall be posted on the premises of each medical marihuana processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.
4. Any processor facility shall maintain a log book and/or database identifying by date the amount of medical marihuana and the number of medical marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor 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 the lawful amount of medical marihuana at the facility.
5. Processor facilities shall not produce any products other than those marihuana-infused products allowed by the MMFLA and the rules promulgated thereunder.

**B. Security.**

1. The medical marihuana processor facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable medical marihuana remaining on the premises of a medical marihuana processor while the medical marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMFLA, as amended.

**C. Space Separation.**

1. Unless permitted by the MMFLA, public areas of the medical marihuana processor facility must be separated from restricted or nonpublic areas of the processor facility by a permanent barrier.
2. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.**

1. Processor facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.
2. No medical marihuana processor shall 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 processor is operated.

**E. Licensing.**

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana processor facility.
2. Medical marihuana processor uses are not permitted outside the Cesar Chavez and Walton Boulevard Medical Marihuana Overlay Districts.
3. Medical marihuana processors are not permitted within the same facility with nonmedical marihuana facility uses.
4. No more than five provisioning centers shall be established in the C-3 zoned properties combined outside the Medical Marihuana Overlay Districts.

**F. Disposal of Waste.**

1. 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.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana processor shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
  - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.
5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.546(I)(3).

**H. Co-Location.**

1. There shall be no accessory uses permitted within the same facility other than those associated with a grower and provisioning center.
2. The dispensing of medical marihuana at the processor facility shall be prohibited.

**I. Building Design.**

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. **Exterior Facade.** Exterior surfaces and signage of a Medical Marihuana Processor Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance. The use of any shade of green either in the façade of the building or otherwise visible from the exterior of the building shall be strictly prohibited, including, but not limited to, the use of paint, lighting, window coverings, and/or any other building materials.

**SECTION 2.547: Medical Marihuana Provisioning Center.**

“Provisioning center” means a commercial entity that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning centers include any commercial property where marihuana is sold at retail to registered, qualifying patients, or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Department’s marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

**A. General Provisions.**

1. Medical marihuana provisioning centers shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.

2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana provisioning center, and a sign shall be posted on the premises of each medical marihuana provisioning center indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.

**B. Security.**

1. Medical marihuana provisioning centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable medical marihuana remaining on the premises of a medical marihuana provisioning center while the medical marihuana provisioning center is not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MMFLA public areas of the medical marihuana provisioning center must be separated from restricted or nonpublic areas of the provisioning center by a permanent barrier.
2. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Medical marihuana may be displayed in a sales area only if permitted by the MMFLA.

**D. Nuisance Prohibited.** No medical marihuana provisioning center shall 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.



- E. **Drive-Through.** Drive-through windows on the premises of a medical marihuana provisioning center shall not be permitted.
- F. **Licensing.**
1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana provisioning center.
  2. All registered patients must present both their Michigan medical marihuana patient/caregiver ID card and Michigan State ID prior to entering restricted/limited areas or nonpublic areas of the medical marihuana provisioning center.
  3. No more than five provisioning centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Boulevard, and C-2 Downtown Overlay Districts.
  4. No more than five provisioning centers shall be established in the C-3 zoned properties combined outside the Medical Marihuana Overlay Districts.
  5. Within the Cesar Chavez and Walton Boulevard Overlay Districts, provisioning centers are located in the C-3, M-1, and M-2 zoning districts.
  6. Medical marihuana provisioning centers are not permitted within the same facility with nonmedical marihuana facility uses.
- G. **Disposal of Waste.** 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.
- H. **Signage.**
1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
  2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
  4. 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:
    - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
    - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.
  5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.547(J).
- I. **Co-Location.** There shall be no accessory uses permitted within the same facility other than those associated with a grower and processor.
- J. **Exterior Facade.** Exterior surfaces and signage of a Medical Marihuana Provisioning Center as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance. The use of any shade of green either in the façade of the building or otherwise visible from the exterior of the building shall be strictly prohibited, including, but not limited to, the use of paint, lighting, window coverings, and/or any other building materials.

**SECTION 2.548: Medical Marihuana Safety Compliance Facility.**

“Safety compliance facility” means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to a medical marihuana facility.

A. **General Provisions.**

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a medical marihuana safety compliance facility, and

a sign shall be posted on the premises of each medical marihuana safety compliance facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises.
3. Any medical marihuana safety compliance facility shall maintain a log book and/or a database identifying by date the amount of medical marihuana on the premises and from which particular source. The facility shall maintain the confidentiality of qualifying patients in compliance with the MMMA and MMFLA, as amended.

**B. Security.**

1. The medical marihuana safety compliance facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable medical marihuana remaining on the premises of a medical marihuana safety compliance facility while the medical marihuana safety compliance facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All medical marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMFLA, as amended.

**C. Space Separation.**

1. Unless permitted by the MMFLA, public areas of the medical marihuana safety compliance facility must be separated from restricted or nonpublic areas of the safety compliance facility by a permanent barrier.
2. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.** No medical marihuana safety compliance facility shall 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 safety compliance facility is operated.

**E. Licensing.**

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana safety compliance facility.
2. All registered patients must present both their Michigan medical marihuana patient/caregiver ID card and Michigan State ID prior to entering restricted/limited areas or nonpublic areas of the medical marihuana safety compliance facility.
3. Medical marihuana safety compliance uses are permitted in the Cesar Chavez and Walton Boulevard and in the C-1, C-3, C-4, M-1 and M-2 zoning districts outside the Medical Marihuana Overlay Districts.
4. Medical marihuana safety compliance facilities are not permitted within the same facility with nonmedical marihuana facility uses.

**F. Disposal of Waste.**

1. 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.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana safety compliance facility shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
  - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.
5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.547(J).

**H. Building Design.**

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.
3. **Exterior Facade.** Exterior surfaces and signage of a Medical Marihuana Safety Compliance Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance. The use of any shade of green either in the façade of the building or otherwise visible from the exterior of the building shall be strictly prohibited, including, but not limited to, the use of paint, lighting, window coverings, and/or any other building materials.

**SECTION 2.549: Medical Marihuana Secure Transporter.**

“Secure transporter” means a commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee. A secure transporter shall comply at all times with the MMFLA and the rules promulgated thereunder.

**A. General Provisions.**

1. Consumption and/or use of marihuana shall be prohibited at a facility of a secure transporter.
2. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with all State and local laws, rules, regulations and ordinances.
3. A secure transporter licensee and each stakeholder shall not have an interest in a grower, processor, provisioning center, or safety compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.
4. A secure transporter shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Secure Storage.**

1. Storage of medical marihuana by a secure transporter shall comply with the following:
  - i. The storage facility shall not be used for any other commercial purpose.
  - ii. The storage facility shall not be open or accessible to the general public.
  - iii. The storage facility shall be maintained and operated so as to comply with all State and local rules, regulations and ordinances.
2. All marihuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MMFLA, as amended.

**C. Sanitation.** All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness.

2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
3. Refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

**D. Disposal of Waste.**

1. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

**E. Transport Driver.**

1. A secure transporter shall comply with all of the following:
  - i. Each driver transporting marihuana must have a chauffeur's license issued by the State.
  - ii. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this State, any other state, or the United States within the past five years.
  - iii. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.
2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.

3. The medical marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
4. A secure transporter vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana-infused product.

**F. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed medical marihuana secure transporter shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
  - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.
5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.549(H).

**G. Licensing.**

1. The license required by this chapter shall be prominently displayed on the premises of a medical marihuana secure transporter use.
2. Medical marihuana secure transporter uses are permitted in the Cesar Chavez and Walton Boulevard and in the C-1, C-2, C-3, C-4, M-1 and M-2 zoning districts outside the Medical Marihuana Overlay Districts.



3. Medical marihuana secure transporters are not permitted within the same facility with nonmedical marihuana facility uses.

H. **Exterior Facade.** Exterior surfaces and signage of a Medical Marihuana Secure Transporter Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance. The use of any shade of green either in the façade of the building or otherwise visible from the exterior of the building shall be strictly prohibited, including, but not limited to, the use of paint, lighting, window coverings, and/or any other building materials.

**SECTION 2.559(A)(7): Primary (Medical Marihuana) Caregiver or Caregiver.**

“Primary caregiver” or “caregiver” means a person who is at least 21 years old and who has agreed to assist with a qualifying patient’s medical use of marihuana and who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL [770.9a](#), and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL [333.26421](#) et seq. (“MMMA”), and any applicable City permit. A registered caregiver shall comply at all times with the MMMA, the rules promulgated thereunder, this ordinance, and applicable City ordinances. The term “qualifying patient” means qualifying patient under the MMMA.

A. **General Provisions.**

1. A registered primary caregiver, operating in compliance with the MMMA, the rules promulgated thereunder, the requirements of this ordinance and applicable City ordinances, shall be permitted only in zoning districts IP-1 and M-1 by special exception. The City makes the following findings in support of its determination that the regulation of primary caregivers as permitted in zoning districts IP-1 and M-1 by special exception is consistent with the purposes and intent of the MMMA:
  - i. The MMMA’s protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals’ marihuana use is carried out in compliance with the provisions

of the MMMA, including the provisions related to the operations of registered primary caregivers.

- ii. The MMMA's definition of "medical use" of marihuana includes the "transfer" of marihuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
  - iii. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marihuana.
  - iv. By permitting the operations of registered primary caregivers by special exception in zoning districts IP-1 and M-1, the City promotes the MMMA's purpose of ensuring that (i) a registered primary caregiver is not assisting more than five qualifying patients with their medical use of marihuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patients so as to become an illegal commercial grow operation.
- 2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a primary caregiver, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
  - 3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate noncompliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

4. Acquisition, possession, cultivation, use, delivery or distribution of marihuana by the primary caregiver shall be conducted indoors. A registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as that term is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use if the primary caregiver is also registered as a qualifying patient under the MMMA.
5. The primary caregiver shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the MMMA. This log shall be available to law enforcement personnel to confirm that the primary caregiver does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility.
6. The primary caregiver shall, at all times, comply with the MMMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations (“LARA”), as amended from time to time.
7. A certificate of occupancy shall be required for any Caregiver licensed under this Article. No certificate of occupancy shall be issued for any Caregiver facility exceeding 2,000 square feet, regardless of the number of caregivers on site at any time.

**B. Security.**

1. The primary caregiver facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff’s Department.

2. Any usable marihuana remaining on the premises of a primary caregiver while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MMMA, public areas of the primary caregiver facility must be separated from restricted or nonpublic areas of the primary caregiver facility by permanent barrier.
2. Unless permitted by the MMMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.**

1. Primary caregiver facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.
2. Primary caregiver facilities shall produce no products other than usable marihuana intended for human consumption.
3. No primary caregiver facility shall 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 marihuana grower is operated.

**E. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a primary caregiver facility.
2. Primary caregiver uses are not permitted outside the IP-1 and M-1 zoning districts.
3. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.

**F. Disposal of Waste.**

1. Disposal of 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.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where any chemicals such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with state and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No registered primary caregiver shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.
5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.559(I)(4).

H. **Building Design.**

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
4. **Exterior Facade.** Exterior surfaces and signage of a Primary Caregiver Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance. The use of any shade of green either in the façade of the building or otherwise visible from the exterior of the building shall be strictly prohibited, including, but not limited to, the use of paint, lighting, window coverings, and/or any other building materials.

I. **Site Design.** Primary caregivers seeking approval from the City shall comply with the following site design standards. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing nonconformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
2. **Window and Window Coverings.** Pursuant to MCL [333.27961](#), establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana

accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

- i. Generally, no more than 60 percent of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60 percent in total window area, which may be opaque in appearance if necessary for the establishment to comply with this section and MCL [333.27961](#).
- ii. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the establishment or (2) if necessary for the duration of short-term construction, not to exceed a 90-day period.
- iii. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans are inadequate for purposes of aesthetics, the Planning Commission may require developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

#### **SECTION 3.1101: Intent.**

The purpose of the Medical Marihuana Overlay District (MMOD) is to provide for the placement of medical marihuana-related uses as authorized pursuant to State regulations with a goal of minimizing potential adverse impacts on adjacent property owners, neighborhoods, and the City.

#### **SECTION 3.1102: Medical Marihuana Overlay District Uses.**

The following medical marihuana uses in the Medical Marihuana Overlay Districts, provided the development also meets the design and building standards set forth in Section 3.1112 and Article 2, Chapter 5, Development Standards for Specific Uses:

- A. Provisioning center;
- B. Safety compliance facility;
- C. Secure transporter;
- D. Grower; and
- E. Processor.

**SECTION 3.1103: Medical Marihuana Overlay District Permitted Accessory Uses.**

- A. Off-street parking, loading and unloading as required per Section 4.307; and
- B. Any use that is not incidental to the permitted principal use.

**SECTION 3.1104: Medical Marihuana Uses Requiring Site Plan Review.**

All medical marihuana uses are subject to site plan review set forth in Section 6.202.

**SECTION 3.1105: Licensing.**

All operators of medical marihuana facilities must obtain State of Michigan and City of Pontiac licenses.

**SECTION 3.1106: Medical Marihuana Uses Requiring Planning Commission Special Exception Permit.**

Medical marihuana uses outside the Medical Marihuana Overlay Districts are subject to Planning Commission approval following the standards for approval of Section 6.303 for special exception permits, and Article 2, Chapter 5, Development Standards for Specific Uses.

**SECTION 3.1107: Standards for Special Exception Approval.**

For consideration of medical marihuana uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each medical marihuana facility on its location will:



- A. Not impact surrounding residential neighborhoods.
- B. Provide easy access for patients with accessible parking.
- C. Be adequately served by utilities with sufficient capacity.
- D. Corridors and streets have the capacity to accommodate potential increases in traffic volumes.
- E. Demonstrate a safe and secure environment, and uphold the public welfare of the community.
- F. Not add unintended or impromptu costs to City and municipal services.
- G. Comply with Section 6.303, Standards for Approval.

**SECTION 3.1108: MMOD Location Description.**

Medical Marihuana Overlay District boundaries are established on the Medical Marihuana Overlay District maps. The Medical Marihuana Overlay District maps may be a single sheet or composed of several map sheets and shall be kept on record in the City of Pontiac Clerk and Building Safety offices.

The medical marihuana uses permitted in the MMOD must meet the following requirements:

- A. OVERLAY No. 1. All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this MMOD.
  - 1. Not more than five licenses to operate a provisioning center shall be awarded in this Overlay District No. 1.
- B. OVERLAY No. 2. All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.
  - 1. Not more than five licenses to operate a provisioning center shall be awarded in this Overlay District No. 2. See Overlay Map 2 for this MMOD.

- C. OVERLAY No. 3. All properties within C-2 Downtown District. Not more than five licenses to operate a provisioning center shall be awarded in this Overlay District No. 3.
- D. The overlay district is an effective regulatory tool to implement the establishment of medical marihuana businesses in the City of Pontiac. An overlay district is applied over one or more previously established zoning districts, establishing additional or stricter regulations, standards and criteria for medical marihuana uses in addition to those of the underlying zoning district.

**SECTION 3.1109: Permitted Uses in Commercial Districts (Non-Overlay).**

In addition to MMOD locations as described in Section 3.1108, all medical marihuana uses, excluding medical marihuana grower and processor, are permitted in C-1, C-3, C-4, M-1 and M-2 districts subject to all requirements under this chapter, including but not limited to Section 3.1110, Buffer Distance Restrictions. There shall be no more than five medical marihuana provisioning centers allowed in all of C-1, C-3 and C-4, zoning districts combined, and shall be awarded based on the highest scoring applications received for those proposed qualifying locations that are not in one of the three overlay districts described in Section 3.1108.

**SECTION 3.1110: Buffer Distance Restrictions.**

- A. The proximity of the proposed medical marihuana facility shall not be less than:
  - 1. One thousand feet from an operational public or private school;
  - 2. Five hundred feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
  - 3. Five hundred feet from a public park with playground equipment;
  - 4. Five hundred feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and
  - 5. Applicable only for properties located in a C-1, C-3, C-4, M-1 and M-2 zoned properties located outside the Medical Marihuana Overlay Districts:

- i. Two hundred fifty feet from a residentially zoned property. Notwithstanding anything contained within subsection (B) of this section to the contrary, such distance between a residentially zoned property and the contemplated location shall be measured at right angles.
- B. Such distance between the school, childcare center, public park, or religious institution, and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines at right angles to the centerline from the primary point of ingress to the school, childcare center, or religious institution, residential dwelling unit or from the playground equipment in a public park, and from the primary point of ingress to the medical marihuana facility along the centerline to the primary street address building entrance.
  1. Vacant residentially zoned lots shall be measured to the side yard setback as defined in Article 2, Chapter 3, and Section 2.301, Summary of Dimension Standards.

#### **SECTION 3.1111: Co-Location.**

- A. Consistent with the MMFLA and rules promulgated by the Department, any combination of growers, provisioning centers, and processors may operate as separate medical marihuana facilities at the same physical location;
- B. Consistent with the MMFLA and rules promulgated by the Department, applicants for class C growers permits shall be allowed to receive multiple such permits and operate under each permit in a single facility.
- C. Consistent with the MMFLA, any combination of grower, processor, and provisioning centers may operate as separate medical marihuana facilities in the same physical location. Provided, that the provisioning center is incidental to the principal use and does not exceed 20 percent of the total floor area of the establishment.

#### **SECTION 3.1112: Building Design, Area, Height, Bulk, and Placement.**

- A. Building and design improvements must comply with the underlying zoning requirements of Article 2, Chapter 4, Private Frontage Design Standards, and the specific uses development standards outlined in Article 2, Chapter 5.
- B. If the provisions of the MMOD are silent on building and design requirements, the requirements of the underlying district shall apply.
- C. If the building and design requirements of the MMOD conflict with the requirements of the underlying district, then the building and design requirements of the MMOD shall supersede the underlying district regulations.
- D. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, selling, research and warehousing. Negative air pressure shall be maintained within the rooms.
- E. An alternative odor control system may be approved by the Pontiac Building Official based on a report by a registered mechanical engineer licensed by the State of Michigan, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.
- F. Generators must be installed to operate the air filter system in case of power outage or failure.
- G. Any lighting device with intermittent fading, flashing, blinking, rotating or strobe light illumination is prohibited on any medical marihuana building, structure or property located inside the Medical Marihuana Overlay Districts or a medical marihuana building, structure or property located outside the Medical Marihuana Overlay Districts.
- H. Luminous tube lighting (e.g., neon, rope lighting) shall not be used to outline or frame doors and/or windows.
- I. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all building/structures (e.g., along the roof line, eaves) and on all building

facades.

- J. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5.
- K. It shall be prohibited to display any signs that are inconsistent with State or local law, and Article 5.
- L. It shall be prohibited to use the symbol or image of a marihuana leaf or the medical “green cross” symbol in any exterior building signage.
- M. The following sign language is not permitted on any medical marihuana facility use: Marihuana, Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.
- N. All Medical Marihuana facilities must comply with all applicable City Ordinances and State and Federal Law including, but not limited to, the building code and fire code.

**SECTION: 3.1113 Review Authority and Establishment.**

- A. The Planning Commission shall be the special exception and site plan review authority for the permitted medical marihuana uses outside the Medical Marihuana Overlay Districts and site plan review authority for medical marihuana uses in the Medical Marihuana Overlay Districts.
- B. Medical marihuana uses must be in accordance with the special exception permit review standards contained in Article 6, Chapter 3.
- C. A special exception permit for medical marihuana uses requires public notice of 500 feet from the proposed medical marihuana facility.
- D. All permitted medical marihuana uses must be in accordance with the uses and development standards outlined in Article 2.
- E. Within the MMOD all requirements of the underlying districts remain in effect, except

where these regulations provide an alternative to such requirements.