

PONTIAC CITY COUNCIL

Mike McGuinness, District 7
President
William A. Carrington, District 6
President Pro Tem



Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

47450 Woodward Pontiac, MI 48342

Phone: (248) 758-3200

Garland S. Doyle, M. P. A., City Clerk

77th Session of the 11th Council

March 21, 2023 at 6:00 P.M.

Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342

Meeting Agenda

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

March 14, 2023 City Council Meeting Minutes

Special Presentation

1. Construction Update for Woodward Avenue and South Boulevard Intersection
2. CNS Healthcare Resources and Services
Presenters: Chief Clinical Officer Marcy Johnson and Chief Corporate Compliance Officer and General Counsel Darnell Boynton

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinances

3. Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (**Second Reading Postponed from March 14, 2023 City Council Meeting**)

4. Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (**Second Reading Postponed from March 14, 2023 City Council Meeting**)
5. An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (**Second Reading Postponed from March 14, 2023 City Council Meeting**)
6. An Ordinance Amendment ZMA 23-001 to Rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Wever School) (**First Reading**)

Resolutions

City Council

7. Resolution Honoring the Life and Service of Mr. Harold Harris
8. Resolution approving the Reappointment of Sheldon Albritton to the GERS Reestablished Board of Trustees

Finance

9. Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2022-2023 to increase the appropriation in the following GL accounts 208-756-719.000 Workers Compensation Ins. - \$5,000, 208-756-779.020 Programming -\$7,500, 208-756-942.001 Copier Lease – \$2,400, 208-756-943.000 Services – Equip Rental City-Owned – \$1,000, 208-775-716.000 – Medical Insurance – \$9,600, 208-775-745.000 – Recreation Supplies – \$2,000 (**This proposed budget amendment is for Youth Recreation.**)

HR

10. Resolution to appoint Timothy Sadowski as the New Finance Director

Mayor

11. Approval of the amendment to the 2022-2024 Oakland County Sheriff Law Enforcement Agreement with the City of Pontiac

Public Comment (Three Minutes Time Limit)

Public Communications

City Council

12. Pontiac Community Foundation is hiring part-time drivers for the M1 Mobility initiative starting at \$20 per hour. Inquire at hr@pontiaccommunityfoundation.org or (248) 246-6606.
13. Residents who are behind in paying their water bills or facing a service shut-off can get help from a partnership between the Oakland county Water Resources Commission and OLSHA. Those who qualify could get up to \$1,500 in payments on their water bills and stop a shut-off plan. This program is temporary and expires on September 30, 2023. Schedule an appointment with OLHSA to sign up by calling (248) 209-2600 or emailing info@olhsa.org
14. Oakland Livingston Human Service Agency (OLSHA) is Now enrolling for Home Based Early Start for Children ages 0 to 3, with tuition-free weekly sessions with early childhood educators at your home, start the enrollment process today by calling (248) 209-2600 or visiting www.olsha.org/early-head start
15. Oakland Livingston Human Service Agency (OLSHA) is hiring for multiple positions, with paid vacation, health benefits, retirement plans, paid business and education leave, and tuition reimbursement. Find out more by visiting www.olhsa.org/employment

16. Third Tuesdays Global Music Jam at the PLAT, March 21, April 18 and May 16, 2023 at 6:00pm, held at Pontiac's Little Arts Theatre, 47 N. Saginaw Street in Downtown Pontiac, Oakland University Professors Mark Stone and Patrick Fitzgibbon lead a jam session of various musicians, from students to professional area musicians, creating a world music experience
17. Norton Street Innovation Community Event, March 23, 2023 from 5:00 to 7:00 pm, held at the Project Site at Norton Street and Florence Street, outdoor family friendly event with food and activities, residents encouraged to come out and learn about the Oakland County Water resources Commission project and provide feedback on what improvements they'd like to see happen there
18. Pontiac Charter Revision Commission Meeting, March 23, 2023 at 6:00 pm, held at Pontiac City Hall in the Council Chambers; all residents welcome to attend and offer feedback
19. Free Oakland University Jazz Concert featuring Pontiac's own Damani Philips and Oakland University Faculty, March 24, 2023 at 12:00 Noon, held at Varner recital Hall on Oakland University's campus, free and no tickets required
20. Oakland County Links Scholarship Application Deadline is March 27, 2023, awarding need-based scholarships to qualify Black students pursuing undergraduate degrees or apprenticeships, for more information visit www.oaklandcountylinks.org.
21. Community Flu & COVID-19 Vaccine Clinic, March 14 and March 28, 2023 from 8:30 am to 11:30 am, held at Welcome Missionary Baptist Church, 143 Oneida, Pontiac 48341; no one will be denied service due to inability to pay
22. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023
23. Pontiac City Council Presents the Pontiac Health and Wellness Fair, March 31, 2023 from 11:00 am to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341. *This event will offer, Diabetes screening, High Blood Pressure Screening, Mammogram Screening, Vaccination station, Diet and health workshop, mental health and wellness discussion, and other resources.* Contact the Pontiac City Council and Outreach Specialist Darryl Earl for more information.
24. M1 Concourse Cars and Coffee, April 1, 2023 at 8:30 am, free and open to all, located at M1 Concourse
25. City of Pontiac and Pontiac School District Present Easter Hoops Elementary Championship Basketball Game & Easter Egg Hunt, April 1, 2023, 12:00 pm game, 1:15 pm hunt, Easter Bunny will also be present, held at Pontiac High School, 1051 Arlene Avenue, Pontiac 48340
26. Pontiac Community Policing Team Easter Egg Hunt, April 1, 2023 from 12:00pm to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341, free Easter baskets to first 200 kids, Registration Required
27. WeCare Neighborhood Association Meeting, April 7, 2023 at 6:00 pm, held at Shiloh Baptist Church, 474 University Drive, Pontiac 48342.
28. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023
29. Save the Date: Pontiac Collective Impact Partnership Youth Expo set for June 10, 2023

Mayor's Office

30. Annual City-Wide Community Cleanup Happening April 17-April 23, 2023

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA

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**Official Proceedings
Pontiac City Council
76th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, March 14, 2023 at 6:15 p.m. by Council President Pro-Tem William Carrington.

Invocation – Pastor Lawrence Kelsey

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Mikal Goodman, Kathalee James, Brett Nicholson and William Parker, Jr.

Mayor Greimel was present
A quorum was announced.

Excuse Councilmembers

Motion to excuse Councilwoman Melanie Rutherford for personal reasons. Moved by Councilperson Parker and second by Councilperson Goodman.

Ayes: Carrington, Goodman, James, Nicholson and Parker
No: None

Motion Carried

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Nicholson and second by Councilperson Parker

Ayes: Godman, James, Nicholson, Parker and Carrington
No: None

Motion Carried

Consent Agenda

23-96 **Resolution to approve the consent agenda for March 14, 2023.** Moved by Councilperson Parker and second by Councilperson Goodman.

Whereas, the City Council has reviewed the consent agenda for March 14, 2023.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for March 14, 2023 including March 6, 2023 Economic Development, Housing and Planning Subcommittee Meeting Minutes and March 7, 2023 City Council Meeting Minutes.

Ayes: James, Nicholson, Parker, Carrington and Goodman
No: None

Resolution Passed

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Subcommittee Reports

Communications, Engagement & Operations
Economic Development, Housing & Planning
Facilities & Property
Finance & Personnel
Law & The Courts
Parks, Recreation & Public Works
Public Safety, Health & Wellness

Council President Mike McGuinness arrived at 6:15 p.m. and presided over the meeting

Special Presentations

Pontiac United Presentation of Beyond Martin and Rosa Black history Month Contest Winners
Presentation Presenter: Tracy Hursh, Sean Preston and Kano Phillips

President McGuinness called for a one-minute recess

Resolutions

Council

23-97

Resolution honoring the Accomplishments of Wrestler Adam

Polk. Moved by Councilperson Carrington and second by Councilperson Parker.

Whereas, it is the sense of this legislative body to honor an outstanding, young adult of remarkable character, who is inspirational and who serves as a role model to others; and,
Whereas, Adam Polk has the unique distinction and privilege of becoming the first athlete at Pontiac high School to place in the MHSAA State Finals three years in a row, after winning the 2021 MHSAA State Championship 120lbs. as a freshman; and,
Whereas, Adam Polk in his sophomore season placed 4th in the MHSAA State Finals, and in his junior season placed 3rd in the State Finals; and,
Whereas, Adam Polk is a Pontiac resident and attends Pontiac High School and is coached by his father Adam Polk , and assistant coach Tyler Evenson; and,
Whereas, Adam Polk's talent did not go unrecognized, as both his parents Adam and Monica Polk were eagerly committed and devoted to his development as a consequence, his father studied the sport and became indoctrinated in wrestling, ultimately becoming his primary coach; and,
Whereas, Adam Polk is an exceptional and accomplished wrestler who was taught to never be selfish and to maintain great sportsmanship-like conduct at all times; and,
Whereas, Adam Polk's other accomplishments, include: Oakland County Runner-up in 2021 and Champion in 2022 and 2023; and 2021 All-MHSAA Dream Team selection, and the 2023 Division-2 Michigan Grappler All-Junior team selection; now,
Therefore, Be It Resolved, that the Pontiac Council, and members of this great community, honor and salute the personal accomplishments and achievements of Adam Polk for a job well done and for truly, representing the City of Pontiac. Congratulations.

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James

No: None

Resolution Passed

23-98

Resolution honoring the Accomplishments of Wrestler Cory Thomas, Jr. Moved by

Councilperson Carrington and second by Councilperson Nicholson.

Whereas, it is the sense of this legislative body to honor an outstanding, young adult of remarkable character, who is inspirational and who serves as a role model to others; and,

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Whereas, Cory Thomas, Jr. has the unique distinction and privilege of becoming the Pontiac High School Phoenix State Champion in the MHSAA State Finals, after winning the 2023 MHSAA State Championship at 157lbs. ; and,

Whereas, Cory Thomas, Jr. in his sophomore season placed 3rd in the MHSAA State Finals while attending Novi Detroit Catholic Central; and

Whereas, Cory Thomas, Jr. is a Pontiac resident and attends Pontiac High School and is coached by Adam Polk , and assistant coach Tyler Evenson; and,

Whereas, Cory Thomas, Jr. has supportive parents: Cory and Lilliana Thomas, Sr; who are Corey' Jr.'s #1 fans and,

Whereas, Cory Thomas, Jr. is an exceptional and accomplished wrestler who has laser focus and who maintains great sportsmanship-like conduct at all times; and,

Whereas, Cory Thomas, Jr. other accomplishments, include: Oakland County Champion in 2023 and 2022 Grappler Fall Classic All-American, and the 2023 Division-2 Michigan Grappler All-Junior team selection; now,

Therefore, Be It Resolved, that the Pontiac Council, and members of this great community, honor and salute the personal accomplishments and achievements of Cory Thomas, Jr. for a job well done and for truly, representing the City of Pontiac. Congratulations.

Ayes: Nicholson, Parker, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

Council President Mike McGuinness called for a 30 seconds recess

Recognition of Elected Officials – None

Agenda Address

1. Norman Elam addressed item #11
2. Carlton Jones addressed item #11
3. DeLeah Sharp and Denise Harris addressed item #32
4. Quincy Stewart addressed item #47
5. Dr. Deidre Waterman addressed item #37
6. Matt Gibb addressed item #3
7. Roslyn Northcross addressed item #11
8. Christopher Northcross addressed items #11

Agenda Items

Ordinances

Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading) Moved by Councilperson Nicholson and second by Councilperson Goodman. Discussion

Motion to amend Article 3.1207 D Appendix B the Boundary of the Woodward Overlay District #4 Option A. Moved by Councilperson James and second by Councilperson Carrington.

- 1b. The Woodward Gateway Overlay District shall begin at Huron Street Southbound side of

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Woodward Avenue and continue on for the parcels on the western side to where northbound and southbound Woodward merge into one road, where it continues along both sides of Woodward Avenue and at the end of Nebraska Ave.

Ayes: Carrington, James, McGuinness, and Parker

No: Goodman and Nicholson

Motion Carried

Motion to amend Section 2.303 table 2.1 to allow five (5) Adult Use Retail uses per Overlay District. Moved by Councilperson Carrington and second by Councilperson Goodman. Discussion. Amendment #2 is withdrawn. Councilman Carrington withdrew his motion and Councilman Goodman withdrew his second. Council will deliberate, research and come back to this motion at the next City Council Meeting on March 21, 2023.

Motion to amend Section 2.303 table 2.1 to allow a maximum of one (1) Adult-use Marihuana Social Equity Retailer shall be allowed in each of the four (4) overlay districts. Discussion. Council will deliberate, research and come back to this motion at the next City Council Meeting on March 21, 2023.

Motion to amend Section 2.553 E (2.) (d.) Marihuana Facilities in the Woodward Gateway Overlay District need not be adjacent to the M-1 or M-2 Zoning Districts. Discussion. Council will deliberate, research and come back to this motion at the next City Council Meeting on March 21, 2023.

Motion to amend Section 3.1208 (B) The Buffer Distance Restrictions Calculations. Moved by Councilperson Carrington and second by Councilperson Nicholson.

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 entrance to a public park, and from the primary point of ingress to the adult-use marihuana business along the centerline to the primary street address building entrance.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None

Motion Carried

Motion to postpone for one week the Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading) Moved by Councilperson Carrington and second by Councilperson James.

Ayes: McGuinness, Nicholson, Parker, Carrington and James

No: None

Motion Carried

Councilman Goodman was absent during the vote

Motion to amend Section 8 sub-section B and sub-section D of the Adult-Use Marihuana Business Licensing Ordinance Rules and Regulations. Move by Councilperson Nicholson and second by Councilperson Carrington.

B. ~~Retailer establishments and Social Equity Retailer establishments located outside the C2 Downtown Adult-Use Marihuana Business Overlay District 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.~~ Retailer establishments and social Equity Retailer establishments located in the Downtown overlay District shall be closed for business and no sale or other distribution of marihuana in any firm shall occur upon the premises, between the hours of 2:00 a.m. and 7:00 a.m.

D. ~~Drive thru windows at Retailer Establishments and Social Equity retailer Establishments are prohibited. Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for all Retailer Establishments and Social Equity Retailer Establishments.~~

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

Motion Carried

Councilman Goodman was absent during the vote

Motion to amend Section 17 Class A Microbusinesses and Section 18 Designated Consumption Establishments of the Pontiac Adult-Use Marihuana Business Ordinance. Moved by Councilperson James and second by Councilperson Goodman.

Section 17

E. Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement set forth above 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, and from the primary point of ingress to the contemplated location from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of the ownership of property or Permittee.

F. Class A Microbusinesses 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.

Section 18

B. Designated Consumption Establishments shall be limited to ~~C2-Downtown Adult-Use Marihuana Business~~ Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

~~B-C.~~ Designated Consumption Establishments shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.

~~C D.~~ Designated Consumption Establishments shall be classified as Special Land uses in the permitted zoning districts.

~~D E.~~ A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

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F. Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement set forth above 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, and from the primary point of ingress to the contemplated location from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of the ownership of property or Permittee.

Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Motion Carried

Motion to amend Section 17 sub-section F of the Pontiac Adult-Use Marihuana Business Ordinance. Moved by Councilperson Carrington and second by Councilperson Nicholson. Discussion. Amendment #3 is withdrawn. Councilman Carrington withdrew his motion and Councilman Nicholson withdrew his second. Council will deliberate, research and come back to this motion at the next City Council Meeting on March 21, 2023.

Motion to postpone for one week the Adoption of City of Pontiac Adult-use Marihuana Business Ordinance. (Second Reading Postponed from March 7, 2023 City Council Meeting) Moved by Councilperson Carrington and second by Councilperson Nicholson.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

Postponed for one week An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (Second Reading Postponed from February 28, 2023 City Council Meeting) Moved by Councilperson Carrington and second by Councilperson Goodman.

Ayes: Goodman, James, McGuinness, Nicholson, Parker and Carrington

No: None

Motion Carried

Resolution Continued

Community Development

23-99 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts, 101-690-804.016 – Legal Services – Iron Mountain - \$10,000, 101-690-971.000 – Land Purchase - \$26,500, 101-721-719.001– Dental Insurance - \$1,500, 101-721-721.010 – Healthcare Waiver - \$6,000, 249-371-852.010 – Cable TV Intranet - \$1,200.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, the Redevelopment and Housing Department has been operating without adequate appropriation for some of the expense line items given below which are essential for the functioning of Redevelopment, Planning, and Building operations; and

WHEREAS, the Senior Accountant of the City of Pontiac has requested a budget amendment for the current fiscal year to increase the appropriation for the following five (5) expense line items for the Redevelopment and Housing Department:

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GL Account number 101-690-804.016 – Legal Services- Iron Mountain - \$10,000 - Reason for amendment - There was no budget appropriation in the current fiscal year for this essential service.

GL Account number 101-690-971.000 – Land Purchase - \$26,500 - Reason for amendment – These purchases were not anticipated, hence, there was no appropriation in the original budget.

GL account number 101-721-719.001 – Dental Insurance - \$1,500 - Reason for amendment - There was no budget appropriation in the current fiscal year for this employee benefit line item.

GL account number 101-721-721.010 - Healthcare Waiver - \$6,000 - Reason for amendment - There was no budget appropriation in the current fiscal year for this employee benefit.

GL Account number 249-371-852.010 – Services – Cable TV / Intranet - \$1,200 - Reason for amendment - There was no budget appropriation in the current fiscal year for this essential service.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows for the Code Enforcement Division requested by the Administration:

The appropriation for GL Account number 101-690-804.016 – Legal Services- Iron Mountain - shall be increased by \$10,000.

The appropriation for GL account number 101-690-971.000 – Land Purchase - shall be increased by \$26,500.

The appropriation for GL account number 101-721-719.001 – Dental Insurance - shall be increased by \$1,500.

The appropriation for GL account number 101-721-721.010 - Healthcare Waiver - shall be increased by \$6,000.

The appropriation for GL account number 249-371-852.010 – Services – Cable TV / Intranet - shall be increased by \$1,200.

BE IT FURTHER RESOLVED that the total increase in appropriation for these five items (5) for the Code Enforcement Division shall be \$45,200.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None

Resolution Passed

~~23-100~~ **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts 101-733-702.004 – Overtime Wages - \$20,000, 101-733-749.001 – Motor Fuel, Oil & Lubricants - \$2,000, 101-733-818.006 – Contractual mowing services - \$25,000, 101-733-852.010 – Services – Cable TV/Intranet - \$2,640 (This budget amendment is for the Code Enforcement Division.) Moved by Councilperson Parker and second by Councilperson Nicholson. Discussion.**

Motion to amend the Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts 101-733-702.004 – Overtime Wages - \$20,000. Moved by Councilperson Goodman and second by Councilperson Nicholson.

GL Account number 101-733-702.004 - Overtime Wages - ~~\$18,000~~ - \$20,000 - Reason for amendment - to complete the inspection of all the apartment complexes in the City for compliance.

Ayes: Nicholson, Parker, Carrington, Goodman, James and McGuinness

No: None

Motion Carried

~~23-100~~ **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts 101-733-**

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702.004 – Overtime Wages - \$20,000, 101-733-749.001 – Motor Fuel, Oil & Lubricants - \$2,000, 101-733-818.006 – Contractual mowing services - \$25,000, 101-733-852.010 – Services – Cable TV/Intranet - \$2,640 as amended. (This budget amendment is for the Code Enforcement Division.)
Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the Code Enforcement Division has been operating without adequate appropriation for some of the essential expense line items which are essential for the functioning of Code Enforcement operation; and

WHEREAS, the Senior Accountant of the City of Pontiac has requested a budget amendment for the current fiscal year to increase the appropriation for the following four (4) expense line items for the Code Enforcement Division:

GL Account number 101-733-702.004 - Overtime Wages - \$18,000 - Reason for amendment - to complete the inspection of all the apartment complexes in the City for compliance.

GL Account number 101-733-749.001 - Motor Fuel, Oil & Lubricants - \$2,000 - Reason for amendment – Increase in the vehicle use due to increase in the Code Enforcement activities.

GL account number 101-733-818.006 - Contractual Mowing Services - \$25,000 - Reason for amendment - The current appropriation is not sufficient to cover the cost of mowing due to vigorous enforcement of the code.

GL account number 101-733-852.010 - Services - Cable TV/Intranet - \$2,640 - Reason for amendment - There was no budget appropriation in the current fiscal year for this essential service.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows for the Code Enforcement Division requested by the Administration:

The appropriation for GL Account number 101-733-702.004 - Overtime Wages - shall be increased by \$18,000.

The appropriation for GL Account number 101-733-749.001 - Motor Fuel, Oil & Lubricants - shall be increased by \$2,000.

The appropriation for GL account number 101-733-818.006 - Contractual Mowing Services - shall be increased by \$25,000.

The appropriation for GL account number 101-733-852.010 - Services - Cable TV/Intranet - shall be increased by \$2,640.

BE IT FURTHER RESOLVED that the total increase in appropriation for these four (4) items for the Code Enforcement Division shall be \$47,640.

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James

No: None

Resolution Passed

DPW

23-101 **Resolution to approve a Budget Amendment for Department of Public Works Engineering Services in the amount of \$360,000.** Moved by Councilperson Parker and second by Councilperson Goodman.

WHEREAS, the DPW is operating without City Engineer and other supporting staff for many months in the current budget year. Hence, acting DPW director has been using Consultant Engineer to perform these engineering functions for DPW and other departments. As the outside Consultants are more expensive than the internal staff, savings in the pay and benefit cost is not enough to offset the cost of external consultants; and,

WHEREAS, this amendment addresses the funding shortfall in the Engineering Services account through the end of this fiscal year; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by

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\$119,700;

NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

This budget amendment allocates the funds in the categories as given below:

101-447-806.000 Engineering Services	\$360,000
101-447-702.000 Salaries & Wages	(\$200,000),
101-447-715.000 FICA City Contribution	(\$15,300),
101-447-718.500 – MERS Employer Contribution	(\$10,000),
101-447-716.000 – Medial Insurance	(\$15,000)

Net Decrease in the General Fund Balance	\$119,700
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Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Resolution Passed

Finance

23-102 **Resolution to approve a Budget Amendment for Finance Department Accounting Support Professional Services in the amount of \$40,000.** Moved by Councilperson Nicholson and second by Councilperson Parker.

WHEREAS, the positions of the Finance Director, Senior Accountant and Grant Accountant positions remain vacant for many months, hence, the Finance department is in dire need of a couple of temporary accounting staff to perform the critical accounting functions such as bank reconciliation, month end close, write adjusting journal entries etc.; and,

WHEREAS, there is a shortfall the in the funding for telephone services: and,

WHEREAS, there is a shortfall in the appropriation in the Professional Service account to pay the Consultants CVHT CPAs; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$40,000;

NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

This budget amendment allocates the funds in the categories as given below:

101-201-818.000 Other Professional Services	\$40,000
101-201-851.000 Services-Communication Telephone	\$800
101-206-851.000 Services-Communication Telephone	\$1,600
101-206-819.000 Contractual Temp/PT Labor	\$28,800
101-206-702.000 Salaries & Wages	(\$25,000)
101-206-715.000 FICA City Contribution	(\$1,913)
101-206-718.500 – MERS Employer Contribution	(\$1,250)
101-206-721.010 – Healthcare Waiver	(\$3,037)

Net Decrease in the General Fund Balance	<u>\$40,000</u>
--	------------------------

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

23-103 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2022-2023 Changes in the Estimated Revenue and the Appropriation in the following GL accounts 101-000-532.000 – Federal Grant Others – (\$10,000,000) 101-000-674.285 – Contribution from ARPA - \$10,000,000, 285-000-532.000-REVLOS – Federal Grants Others – 10,000,000, 285-699-956.101-REVLOS – Contribution to General Fund - \$10,000,000. Moved by Councilperson Parker and second by Councilperson Nicholson.**

WHEREAS, in the budget year 2022-23, the City Council approved the transfer of \$10,000,000 from the ARPA fund to the General Fund revenue to offset the revenue loss due to COVID pandemic; and

WHEREAS, this transfer was budgeted in the incorrect revenue line item in the General Fund; and

WHEREAS, this transfer should have been budgeted in the Fund 285 – ARPA which was established in accordance with the Uniform State Chart of Accounts to track the ARPA grant related transactions; and

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows requested by the Administration as given below:

The Estimated Revenue in GL Account number 101-000-532.000 – Federal Grant Others - shall be decreased by \$10,000,000.

The Estimated Revenue in GL Account number 101-000-674.285– Contribution from ARPA- shall be increased by \$10,000,000.

The Estimated Revenue in GL Account number 285-000-532.000-REVLOS – Federal Grant Others - shall be increased by \$10,000,000.

The appropriation for GL account number 285-699-956.101-REVLOS – Contribution to General Fund - shall be increased by \$10,000,000.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

23-104 **Resolution to authorize the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$1,000 to account 285-699-902.005-ARPPRK Public Notices, \$10,000 to account 285-699-728.000-ARPPRK Postage, \$10,000 to account 285-699-901.000-ARPPRK Printing and Bindery Services, \$15,000 to account 285-699-818-.000-ARPPRK Other Professional Services, \$571,428.50 to account 285-699-816.101 Prof. Serv. – District 1, \$571,428.50 to account 285-699-816.102 Prof. Serv. – District 2, \$571,428.50 to account 285-699-816.103 Prof. Serv. – District 3, \$571,428.50 to account 285-699-816.104 Prof. Serv. – District 4, \$571,428.50 to account 285-699-816.105 Prof. Serv. – District 5, \$571,428.50 to account 285-699-816.106 Prof. Serv. – District 6, \$571,428.50 to account 285-699-816.107 Prof. Serv. – District 7. Moved by Councilperson Nicholson and second by Councilperson Parker.**

WHEREAS, the City of Pontiac was awarded The City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund(SLFRF) under the American Rescue Plan Act (ARPA), and;
WHEREAS, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in

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the wake of COVID-19, and;

WHEREAS, the City's Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

WHEREAS, the Pontiac City Council unanimously approved the Executive Administration's ARPA Program Budget on November 10th, 2022, allocating \$4,000,000 to establish a park revitalization program for neighborhood and mini parks, and to fund the administration of the program, and;

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Park Revitalization Program, and;

WHEREAS, the following budget amendment reflects funding for the Pontiac Park Revitalization Program and associated costs, and;

WHEREAS, the budget amendment will increase the budgeted appropriations in the amount of \$4,035,999.50, representing the Pontiac Home Repair Program expenditures.

NOW THEREFORE, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$1,000 to account 285-699-902.005-ARPPRK Public Notices, \$10,000 to account 285-699-728.000-ARPPRK Postage, \$10,000 to account 285-699-901.000-ARPPRK Printing and Bindery Services, \$15,000 to account 285-699-818.000-ARPPRK Other Professional Services, \$571,428.50 to account 285-699-816.101 Prof. Serv. – District 1, \$571,428.50 to account 285-699-816.102 Prof. Serv. – District 2, \$571,428.50 to account 285-699-816.103 Prof. Serv. – District 3, \$571,428.50 to account 285-699-816.104 Prof. Serv. – District 4, \$571,428.50 to account 285-699-816.105 Prof. Serv. – District 5, \$571,428.50 to account 285-699-816.106 Prof. Serv. – District 6, \$571,428.50 to account 285-699-816.107 Prof. Serv. – District 7.

Ayes: Goodman, James, McGuinness, Nicolson, Parker and Carrington

No: None

Resolution Passed

23-105 Resolution to authorize the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$60,000 to account 285-699-702.000-ARPHRP Salaries and Wages, \$4,590 to account 285-699-715.000-ARPHRP F.I.C.A – City Contribution, \$11,210 to account 285-699-716.000-ARPHRP Medical Insurance, \$4,200 to account 285-699-718.500-ARPHRP MERS Employer Contributions, \$10,000 to account 285-699-728.000 Postage, \$3,000 to account 285-699-901.000-ARPHRP Printing and Bindery Service, \$500 to account 285-699-902.005-ARPHRP Public Notices, and \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services. Moved by Councilperson Parker and second by Councilperson Goodman.

WHEREAS, the City of Pontiac was awarded The City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund (SLFRF) under the American Rescue Plan Act (ARPA), and;

WHEREAS, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

WHEREAS, the City's Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

WHEREAS, the Pontiac City Council unanimously approved the Executive Administration's ARPA Program Budget on November 10th, 2022, allocating \$3,622,000 to establish a home repair program and fund the administration of the program, and;

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Home Repair Program, and;

WHEREAS, the following budget amendment reflects funding for the Pontiac Home Repair Program and associated costs, and;

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WHEREAS, the budget amendment will increase the budgeted appropriations in the amount of \$1,193,500, representing the Pontiac Home Repair Program expenditures.

NOW THEREFORE, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$60,000 to account 285-699-702.000-ARPHRP Salaries and Wages, \$4,590 to account 285-699-715.000-ARPHRP F.I.C.A – City Contribution, \$11,210 to account 285-699-716.000-ARPHRP Medical Insurance, \$4,200 to account 285-699-718.500-ARPHRP MERS Employer Contributions, \$10,000 to account 285-699-728.000 Postage, \$3,000 to account 285-699-901.000-ARPHRP Printing and Bindery Service, \$500 to account 285-699-902.005-ARPHRP Public Notices, and \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None

Resolution Passed

Public Comment

1. Carlton Jones
2. Beatrice Wright

Closed Session

23-106 **Resolution to proceed in Closed Session at 9:49 p.m. to consult with Legal Counsel regarding Trial or Settlement strategy in connection with Oakland County Circuit Court, Case No. 2021-188116-NO (CASADY AND SULIS V CITY OF PONTIAC, et al.)** Moved by Councilperson Carrington and second by Councilperson Parker.

WHEREAS, the Michigan Open Meetings Act authorizes a public body to meet in Closed Session to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.; and,

NOW THEREFORE BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(1)(e) of the Open Meetings Act, MCL 15.268(1)(e), to consult with its attorney regarding trial or settlement strategy in connection with Oakland County Circuit Court, Case No. 2021-188116-NO (Casady and Sulis v City of Pontiac, et al.) because an open meeting would have a detrimental financial effect on the City's litigating or settlement position.

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James

No: None

Resolution Passed

Motion to come out of Closed Session at 10:18 p.m. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Carrington, Goodman, James and McGuinness

No: None

Motion Carried

Suspend the Rules

Motion to suspend the Rules to consider a Resolution as it relates to Case No. 2021-188116-NO (CASADY AND SULIS V CITY OF PONTIAC, et al.) Moved by Councilperson Parker and second by Councilperson Nicholson.

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Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Motion Carried

Motion to adopt the Resolution to proceed with Case No. 2021-188116-NO (CASADY AND SULIS V CITY OF PONTIAC, et al.) as advice by Legal Counsel during Closed Session. Moved by Councilperson Carrington and second by Councilperson Parker.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

President Pro-Tem William Carrington, Councilwoman Kathalee James, Councilman William Park Jr. and Council President Mike McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Parker and second by Councilperson Goodman.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 10:25 p.m.

Sheila R. Grandison
Deputy City Clerk

#3

ORDINANCE

Mark Yandrick
Planning Manager
myandrick@pontiac.mi.us
248-758-2824



Community Development
Department
Planning Division
47450 Woodward Avenue
Pontiac, MI 48342

TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: March 16, 2023

RE: City of Pontiac Special Exception Process

Executive Summary:

After the March 14 City Council meeting, the Planning staff is sharing the Special Exception Process from the Zoning Code. While this report is not specific to Adult-Use Marihuana, is intended to aid City Council in understanding of the Special Exception Process.

Overview:

The Michigan Zoning Enabling Act allows municipalities to offer Special Land Uses, also known as Special Exceptions and Special Exemptions.

Within the zoning code and zoning districts of the city, it is recognized, that there are special exception uses which, because of their unique characteristics, cannot be properly classified as a principal permitted use in any particular district or districts without considering, in each case, the impact of those uses upon the surrounding neighborhood. These include public and private uses that are of such an unusual nature that their operation may give rise to unique problems that impact upon neighboring property or public facilities.

Special Exception approval is required for uses that are not always imperative to the goals of a particular zoning district but may be compatible in certain circumstances, with the Planning Commission's review. These cases are heard through a public hearing and are often done at the same meeting

Sampling of Uses Requiring Special Exception Approval in the City under the Current Zoning Code:

- Child Daycare Center in Downtown/C-2 Zoning District
- Retail Sale of Packaged Alcoholic Beverages in C-1, C-2, C-3, C-4 Zoning Districts
- Automobile Car Service C-1, C-3, and C-4 Zoning Districts
- Restaurants in R-3 or C-0 (Office) Zoning Districts
- Sexually Oriented Business in M-1 or M-2 Zoning Districts
- Community Service Facility in R-2, R-3, C-0, C-1 Zoning Districts

Standards of Approval

Planning Commission has the following standards of approval that they must review in their determination of a Special Exception application:

- A. The request for special exception permit approval must meet the following general standards, as well as any specific requirements for the requested land use in *Article 2, Chapter 5*. The Planning

Commission shall review each application for the purpose of determining that each use on its proposed location will:

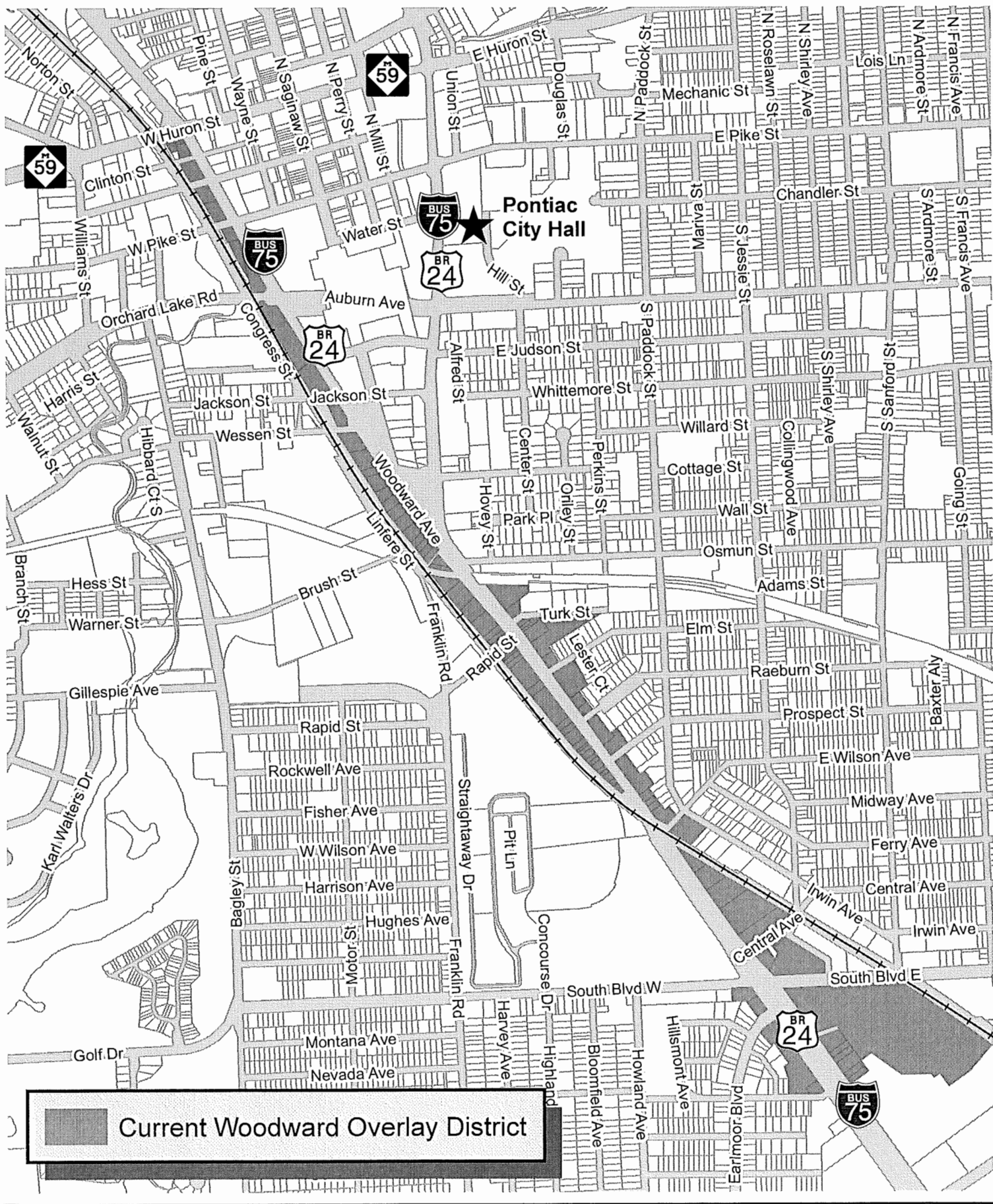
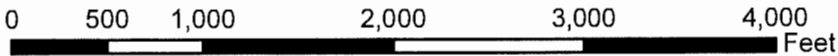
1. Be harmonious with and in accordance with the general principles and objectives of the comprehensive master plan of the City of Pontiac.
2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity by way of size, character, or location.
3. Not change the essential character of the area in which it is proposed, and not adversely affect the development or redevelopment of the surrounding neighborhood.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
6. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, or odors out of proportion to that normally prevailing in the particular district.
7. Maintain all proposed structures, equipment, or materials in a readily accessible manner for police and fire protection.

Conclusion

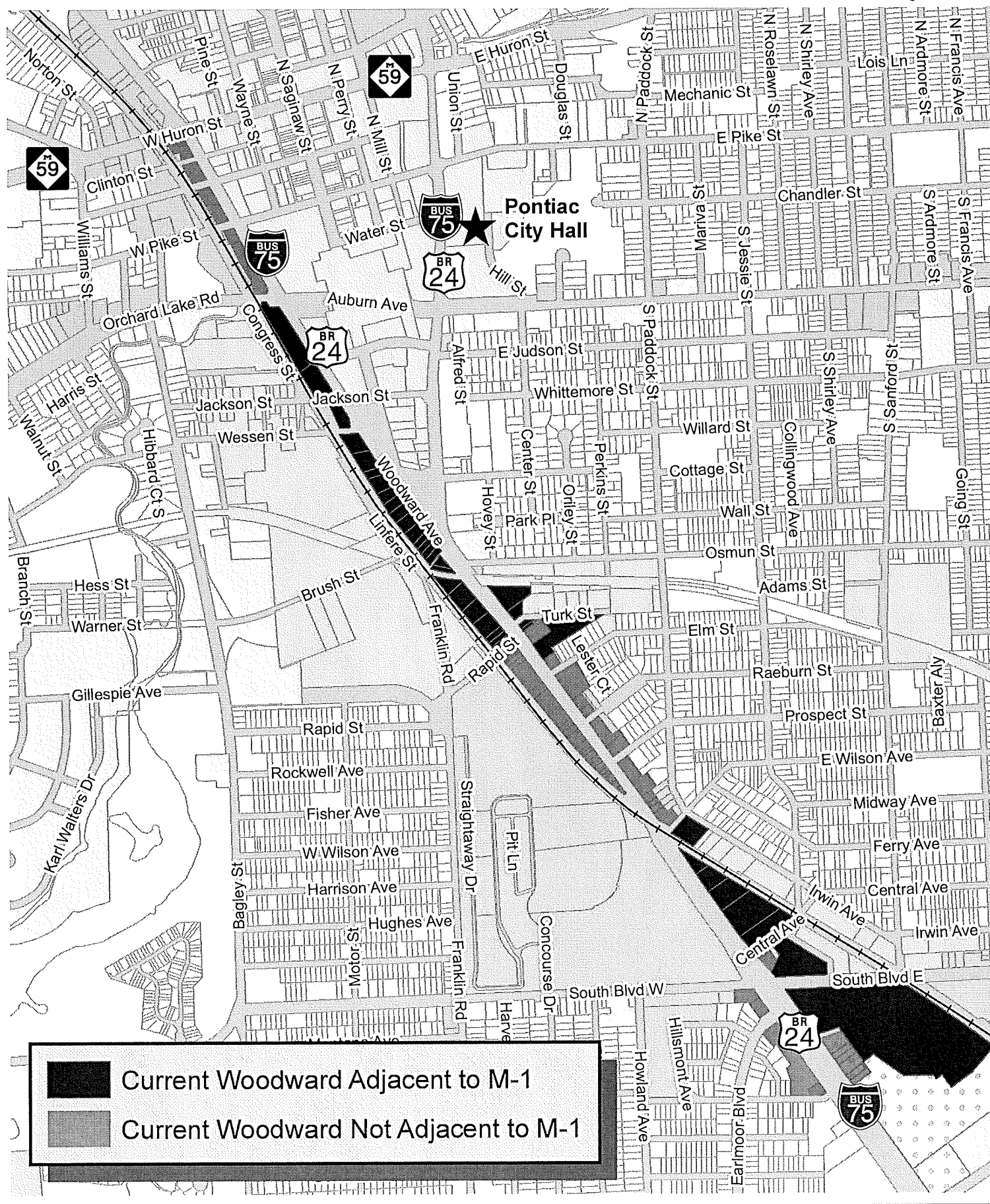
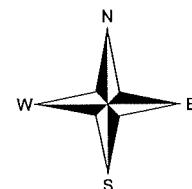
The Special Exception Process is an important tool for Cities to provide flexibility for certain land uses to locate in certain zoning districts that protect the health, safety, and welfare of the surrounding neighborhoods and environment. This public hearing process allows for a transparent process to determine the appropriateness of the use and if additional screening, aesthetics or protective measures need to be established to comply with the standards of approval. This is why Planning Staff added this requirement in for Adult-Use Marihuana businesses in the zoning code.

■

Adult-Use Marihuana Woodward Avenue Overlay District Map



Adult-Use Marihuana Woodward Avenue Overlay District Map



I move to adopt Zoning Ordinance Amendments for Second Reading which incorporates the following amendments:

Additional requested motions

1. **Amend Section 2.303 Table 2.1** shall be amended as follows: A maximum of five (5) Adult-Use Marihuana Retailers shall be allowed in each of the four (4) overlay districts;
2. **Amend Section 2.303 Table 2.1** shall be amended as follows: A maximum of one (1) Adult-Use Marihuana Social Equity Retailer shall be allowed in each of the four (4) overlay districts;
3. **Amend Section 2.553.E(2.)(d.)** shall be amended as follows: Marihuana Facilities in the Woodward Gateway Overlay District need not be adjacent to the M-1 or M-2 Zoning Districts.

CITY OF PONTIAC

ORDINANCE NO. # _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE ADULT-USE MARIHUANA BUSINESSES IN DESIGNATED OVERLAY DISTRICTS AND USES TO INCLUDE:

ARTICLE 2, CHAPTER 1, SECTION 2.101, TABLE 1 ZONING DISTRICTS, SPECIAL PURPOSE ZONING DISTRICTS;

ARTICLE 2, CHAPTER 2, SECTION 2.203; SECTION 2.204; SECTION 2.205; and SECTION 2.303, TABLE 2.1-USSES PERMITTED WITHIN ADULT-USE MARIHUANA OVERLAY DISTRICTS; AND PRIMARY CAREGIVERS OR CAREGIVERS USE PERMITTED IN ZONING DISTRICTS IP-1 AND M-1 BY SPECIAL EXCEPTION;

ARTICLE 2, CHAPTER 3, SECTION 2.304; SECTION 2.305; SECTION 2.306; SECTION 2.307; SECTION 2.308; SECTION 2.309; SECTION 2.310; SECTION 2.311; SECTION 2.312; SECTION 2.313; SECTION 2.314, TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2 CHAPTER 4; SECTION 2.403; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2 CHAPTER 4; SECTION 2.501; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2, CHAPTER 5 – DEVELOPMENT STANDARDS FOR SPECIFIC USES TO ADD SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver;

ARTICLE 3, SPECIAL PURPOSE ZONING DISTRICTS TO ADD CHAPTER 12 – ADULT-USE MARIHUANA BUSINESS OVERLAY DISTRICTS; AND

ARTICLE 4, SECTION 2, SECTION 4.206; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 4, SECTION 3, SECTION 4.303; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 7 DEFINITIONS TO ADD CHAPTER 2 AND CHAPTER 3, Article 7 – Definitions.

THE CITY OF PONTIAC ORDAINS:

Article 2, Chapters 1 and 2, Section 2.101 Table 1 and Section 2.303 Table 2, Zoning Districts to add:

Abbreviation	General Zoning Districts	Abbreviation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same	--	--
		--	--
		AUMOD	Adult-Use Marihuana Overlay District

Amend Article 2, Chapter 2, Section 2.203, Permitted Uses By District:

A. **Uses Permitted in Each District.** Except for Adult-Use Marihuana Business uses, Table 2 lists the permitted uses in each district. Table 2.1 and Table 2.2 list the permitted Adult-Use Marihuana Business uses in each Adult-Use Marihuana Overlay Districts as defined in this ordinance. Refer to Article 7, Chapter 2 for definitions of all uses listed in the following *Table 2.1 and Table 2.2*. In addition, Primary Caregivers shall be permitted by special exception in IP-1 and M-1 Zoning Districts.

B. **Development Standards Applicable to Uses.** Whenever a specific development standard is included for a particular use in *Table 2.1 or Table 2.2*, any development must comply with the requirements of the referenced section. All development standards are listed in Article 2, Chapter 5.

C. **Footnotes.** Refer to the footnotes to the table of permitted uses in Section 2.205. Footnotes applicable to each zoning district or category of zoning districts are listed in parentheses in the heading of *Table 2.1 and Table 2.2*.

D. **Special Purpose Zoning Districts Not Listed in Table 2.1.** Refer to Article 3 for the uses and development standards applicable in the special purpose zoning districts. Special purpose zoning districts are not listed in Table 2, and include the PURD Planned Unit Residential District, R-5 Manufactured Housing District, R-O Recreation-Open Space District, P-1 Parking District, G-O-T Government Office Technology District, C-C Civic Center District, MUD – Mixed Use District, TC Town Center District, and SP Special Purpose District.

Amend Article 2, Section 2, Section 2.204 Zoning District Design Standards

The following *Table 2.1* lists the uses that may be permitted in each zoning district, provided that the development also meets the design and building standards set forth for each district in Chapters 3 through 6 of this O, along with all other development standards contained in this Ordinance. For instance, while multiple family apartment buildings may be permitted in various zoning districts, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district and are further intended to prevent contextually inappropriate development from occurring within the City.

Amend Article 2, Chapter 2, Section 2.205 to add Subsection D:

D. The maximum allowable number of Adult-Use Marihuana Retailers in the City of Pontiac shall be eighteen (18) and the maximum number of Adult-Use Marihuana Social Equity Retailers shall be six (6). The maximum number of Marihuana Retail permits in each Adult-Use Marihuana Overlay District (AUMOD) shall be as set forth in Table 2.2, Adult Marihuana Uses by Overlay District, Including Limits Per Overlay District.

Amend Article 2, Chapter 2, Section 2.303 Table 2.1 (Uses Permitted by District) and Table 2.2 (Adult Marihuana Uses By Overlay District).

Not more than six (6) (Marihuana) Retailers are to be located in any one of the three Adult-Use Marihuana Business Overlay Districts; Social Equity Retailers authorized by City ordinance are allowed in any one of the three (3) Downtown Adult-Use Marihuana Business Overlay Districts; not more than five (5) Class A Microbusinesses are allowed across all Adult-Use Marihuana Business Overlay Districts; and not more than six (6) Designated Consumption Establishments shall be allowed in the Downtown Adult-Use Marihuana Business Overlay District with three (3) Designated Consumption Establishments permitted north of Huron Street and three (3) Designated Consumption Establishments permitted south of Huron Street; Grower, Safety Compliance Facility, Secure Transporter, are allowed in the East Walton Boulevard and Cesar E. Chavez Adult-Use Marihuana Business Overlay Districts; Temporary Marihuana Events shall be allowed only in the Downtown Adult-Use Marihuana Business Overlay District; and Primary Caregivers or Caregivers, shall be located by special exception approval in the IP-1 and M-1 Zoning Districts

Table 2.1 Uses Permitted by District

Commercial, Office, and Service Uses												
	Residential Districts			Commercial Districts					Industrial Districts			
	R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Designated Consumption Establishment												Section 2.555
Adult-Use Marihuana Grower Facility												Section 2.551
Adult-Use Marihuana Class A Microbusiness												Section 2.554
Adult-Use Marihuana Processor												Section 2.552

Adult-Use Marihuana Retailer or Social Equity Retailer												Section 2.553
Adult-Use Marihuana Safety Compliance Facility												Section 2.556
Adult-Use Marihuana Secure Transporter					X	X	X		X	X		Section 2.557
	R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Adult-Use Marihuana Temporary Marihuana Event												Section 2.558
Caregiver									X		X	Section 2.559

Table 2.2, Adult Marihuana Uses By Overlay District, Including Limits Per Overlay District

Adult-Use Marihuana Overlay Districts (AUMOD)					
	Downtown Overlay (District 3)	Cesar E. Chavez Overlay (District 2)	East Walton Overlay (District 1)	Woodward Gateway Overlay (District 4)	
Designated Consumption Establishment	O 3 – N of Huron 3 – S of Huron				Section 2.555
Adult-Use Marihuana Grower Facility		O 3	O 3		Section 2.551
Adult-Use Marihuana Class A Microbusiness (5 across all districts)	O	O	O	O	Section 2.554

Adult-Use Marihuana Processor		0 3	0 3		Section 2.552
Adult-Use Marihuana Retailer	0 5	0 5	0 6	0 2	Section 2.553
Adult-Use Marihuana Social Equity Retailer	0 1	0 2	0 2	0 1	Section 2.553
Adult-Use Marihuana Safety Compliance Facility		0	0		Section 2.556
Adult-Use Marihuana Secure Transporter		0	0		Section 2.557
Adult-Use Marihuana Temporary Marihuana Event	#				Section 2.558

o = Special Exception Permit required. Applicants must have a conditionally approved Adult-Use Marihuana Business Permit from the City of Pontiac.

= Temporary Use Permitted with the Proper City of Pontiac Permitting with any necessary Building and Zoning Approvals.

Note: If a number is listed in Table 2.2, that is the maximum allowed in that overlay district. If a number is not listed, there is no limitation per Overlay District, but applicants must receive proper Adult-Use Marihuana permits from the City.

Amend Article 2 Chapter 3; Section 2.304 R-1, R-1A, R-1B One Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-1 district.

Amend Article 2 Chapter 3; Section 2.305 R-2, Two Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-2 district.

Amend Article 2 Chapter 3; Section 2.306 R-3, Multi-Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-3 district.

Amend Article 2 Chapter 3; Section 2.307 C-0, Residential Office District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-0 district.

Amend Article 2 Chapter 3; Section 2.308 C-1, Local Business/Residential Mixed-Use District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-1 district.

Amend Article 2 Chapter 3; Section 2.309 C-2, Downtown Mixed-Use District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-2 district.

Amend Article 2 Chapter 3; Section 2.310 C-3 Corridor Commercial Mixed-Use District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-3 district.

Amend Article 2 Chapter 3; Section 2.311 C-4 Suburban Business District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-4 district.

Amend Article 2 Chapter 4; Section 2.311 M-1, Limited Industrial District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-1 district.

Amend Article 2 Chapter 4; Section 2.311 M-2, Limited Industrial District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-2 district.

Amend Article 2 Chapter 4; Section 2.311 IP-1, Industrial Park District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

Amend Article 2 Chapter 4; Section 2.403 Permitted Private Frontage Layouts

Table 4. Permitted Private Frontage Layouts by Zoning District

Footnote A: Community, Education, and Institution Uses listed in *Table 2.1*. Uses Permitted by District are exempt from the private frontage requirements and need only comply with the setback requirements for the zoning district in which they are located.

Amend Article 2 Chapter 4; Section 2.501 Mixed Use Building – Residential with Non-Residential

B. Permitted Uses. Non-residential uses permitted in a mixed-use building are limited to those that are permitted in the district by *Table 2.1. Uses Permitted by District*. Special exception approval is required if a particular use that is proposed within a mixed-use building is listed as a special exception use in *Table 2.1*.

Amend Article 2, Chapter 5 – Development Standards for Specific Uses is amended to add SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver:

2.551 Adult-Use Marihuana Grower Establishments.

“Adult-Use Marihuana Grower” means a licensed and City-permitted marihuana establishment that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or marihuana retailer, as defined in the Michigan Regulation and Taxation of the Marihuana Act (“MRTMA”). As used in this ordinance, growers shall include class A growers, class B growers, and class C growers.

“Class A marihuana grower” means a grower licensed to grow not more than 100 marihuana plants.

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

“Class C marihuana grower” means a grower licensed to grow not more than 2,000 marihuana plants.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a 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. 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 non-compliance 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 the property owner or operator brings the premises into compliance.

3. All activity related to the marihuana growing shall be done indoors.
4. Any marihuana grower establishment 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 grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the marihuana grower 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. A grower establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.
5. The marihuana grower facility shall, at all times, comply with the MRTMA 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 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 marihuana remaining on the premises of a marihuana grower 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 MRTMA, public areas of the marihuana grower facility must be separated from restricted or nonpublic areas of the grower facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Marihuana grower establishments shall be free from Infestation by insects, rodents, birds, or vermin of any kind.
2. Marihuana grower establishments shall produce no products other than usable marihuana intended for human consumption.
3. No 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 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 marihuana grower facility.
2. Marihuana grower uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

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 shall be 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 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 licensed marihuana grower 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.

H. Co-Location.

1. There shall be no accessory uses permitted within the same grower establishment location , other than a processor, retailer, social equity retailer, Class A microbusiness, or designated consumption establishment, , provided all said uses are in conformance with this zoning ordinance, the City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. Multiple class C licenses may be stacked in the same grower establishment as defined by the MRTMA and shall only be considered as one establishment for the purposes of this subsection. A separate application fee is required to be 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.

J. Site Design

Grower marihuana businesses seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. 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, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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. In the Downtown Adult-Use Marihuana Business Overlay District, only, the following additional landscaping requirements shall apply:
 - a. All available areas for green space on a parcel containing an Adult-Use Retail Establishment shall be covered with landscape material for 100 percent of the area.
 - b. Landscaping shall be compatible with existing landscape buckets located in the Downtown Adult-Use Marihuana Business Overlay District.
2. Site Lighting. An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site

measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
3. 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.
- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. 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 ninety (90) day period.
 - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

2.552 Adult-Use Marihuana Processor.

"Processor" means a licensed and City-permitted marihuana facility authorized to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, social equity retailer, class A microbusiness, or another processor.

A. General Provisions.

1. The processor shall comply at all times and in all circumstances with the MRTMA, 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 marihuana processor, and a sign shall be posted on the premises of each 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. 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 non-compliance 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. Any processor facility shall maintain a log book and/or database identifying by date the amount of marihuana and the number of 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 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. A processor shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

5. Processor facilities shall not produce any products other than those marihuana-infused products allowed by the MRTMA and the rules promulgated thereunder.

B. Security.

1. The 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 marihuana and marihuana products remaining on the premises of a marihuana processor while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

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

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana processor facility must be separated from restricted or nonpublic areas of the processor facility by a permanent barrier.

2. Unless permitted by the MRTMA, no 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 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 marihuana processor is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana processor facility.
2. Marihuana processor uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

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.

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 marihuana processor shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. 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.

H. Co-Location.

1. There shall be no accessory uses permitted within the same processor facility location other than those associated with a grower, adult-use marihuana retailer, social equity retailer, Class A microbusiness, or designated consumption establishment,, provided all said uses are in conformance with this zoning ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. The dispensing of 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.

J. Site Design

Processor business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. 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, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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. Site Lighting. An adult-use marihuana processor site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited.

Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
3. 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.
- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. 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 ninety (90) day period.
 - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

2.553 Adult-Use Marihuana Retailer; Social Equity Retailer.

"Retailer" and "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Retailer or Social Equity Retailer, and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.
2. Retailer or Social Equity Retailers shall be closed for business between the hours of 10:00 p.m. and 7:00 a.m., with the exception of Retailer or Social Equity Retailers operating in the Downtown Overlay District, which shall be closed for business between the hours of 2:00 am and 7:00 a.m.
3. The premises of a Retailer or Social Equity Retailer 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 or Building Department. If the inspection or investigations indicate non-compliance 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. Any retailer or social-equity retailer shall maintain a log book and/or database identifying by date the amount of marihuana and the number of 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 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. A retailer or social-equity retailer shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Retailer and Social Equity Retailer 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 marihuana remaining on the premises of a Retailer or Social Equity Retailer while not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA public areas of the Retailer or Social Equity must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

D. Nuisance Prohibited. No Retailer or Social Equity 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 Retailer is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Retailer or Social Equity Retailer.

2. The number of Adult-Use Retailers and/or Adult-Use Marihuana Social Equity Retailers which may be established in each of the following Adult-Use Marihuana Business Overlay Districts shall be governed by Table 2.2 as set forth in Article 2, Chapter 2, Section 2.303:

a. **East Walton Overlay District (Overlay District 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 Adult-Use Marihuana Business Overlay District.

b. **Cesar Chavez District (Overlay District 2).** All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.

c. **Downtown Overlay District (Overlay District 3).** All properties within Downtown District located inside of the Woodward Avenue Loop.

d. **Woodward Gateway Overlay (Overlay District 4).** All Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from South of Turk Street and ending North at Central Avenue on the Northeast side of Woodward Avenue) and are adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts.

3. Except as otherwise permitted by state law, and the City Adult-Use Marihuana Business Ordinance, Retailers and Social Equity Retailers are not permitted within the same locations as non-marihuana uses.

F. **Disposal of Waste.** 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.

G. **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 Marihuana Retailer or Social Equity Retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

- a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- b. 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.

H. **Co-Location.** There shall be no accessory uses permitted within the same Retailer or Social Equity Retailer establishment other than a grower, processor, Class A microbusiness, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

I. **Site Design.**

Retailers and Social Equity Retailers seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding neighborhoods.

1. **Four-sided Architecture:** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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. In the Downtown Adult-Use Marihuana Business Overlay Districts, only, the following additional landscaping requirements shall apply:

- a. All available areas for greenspace on a parcel containing an Adult-Use Retail Facility shall be covered with landscape material for 100 percent of the area.
 - b. Landscaping shall be compatible with existing landscape buckets located in the Downtown Adult-Use Marihuana Business Overlay District.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
4. **Drive-Throughs.** Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for any "Retailer" or "Social Equity Retailer" establishment.
5. **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.
 - a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. 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 ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

2.554 Adult-Use Class A Microbusiness.

"Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

A. General Provisions.

1. Class A Microbusiness 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 Class A Microbusiness, and a sign shall be posted on the premises of each Class A Microbusiness 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 non-compliance 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 the property owner or operator brings the premises into compliance.

4. Any Class A Microbusiness shall maintain a log book and/or database identifying by date the amount of marihuana and the number of 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 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. A Class A Microbusiness shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Class A Microbusiness 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 marihuana remaining on the premises of a Class A Microbusiness while the Marihuana Retailer is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA public areas of the Class A Microbusiness must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

D. Nuisance Prohibited. No Class A Microbusiness 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 Class A Microbusiness is operated.

E. Drive-Through. Drive-throughs and drive-through, walk-up window service, and curbside service on the premises of a Class A Microbusiness shall not be permitted.

F. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Class A Microbusiness.

2. Class A Microbusiness is a Special Land Use (also referred to as Special Exception under this Ordinance) and no more than five (5) Class A Microbusinesses shall be permitted by the City.

3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Class A Microbusiness are not permitted within the same establishment location as non-marihuana uses.

G. Disposal of Waste. 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.

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 Class A Microbusiness shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. 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.
- I. **Co-Location.** There shall be no accessory uses permitted within the same Class A Microbusiness establishment location other than a grower, processor, adult-use marihuana retailer, social equity retailer, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder..
- J. **Site Design.** Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.
 1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
 2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
4. **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.
 - a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. 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 ninety (90) day period.
 - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

2.555 Adult-Use Designated Consumption Establishment.

"Designated Consumption Establishment" means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana and marihuana products on the licensed commercial premises located in the Downtown Overlay District No. 3. in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

A. General Provisions.

1. Designated Consumption Establishment shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.
2. Consumption of marihuana in any form at a Designated Consumption Establishment shall occur indoors. A Designated Consumption Establishment shall post signage on any outdoor areas, including patios, decks, and greenspace, indicating that smoking and other consumption of marihuana is prohibited.
3. Tobacco smoking and/or alcohol shall be prohibited on the premises of a Designated Consumption Establishment, and a sign shall be posted on the premises of each Designated Consumption Establishment indicating that tobacco smoking and/or alcohol is prohibited on the premises.
4. 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 non-compliance 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.

5. Any Designated Consumption Establishment shall maintain a log book and/or database identifying by date the amount of marihuana and the number of 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 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. A Designated Consumption Establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Designated Consumption Establishment 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 marihuana remaining on the premises of a Designated Consumption Establishment while the Designated Consumption Establishment is not in operation shall be secured in a safe permanently affixed to the premises.

C. Nuisance Prohibited. No Designated Consumption Establishment 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 Designated Consumption Establishment is operated.

D. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Designated Consumption Establishment.

2. A Designated Consumption Establishment is Special Land Use and shall be limited to Downtown Adult-Use Marihuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street, and three Designated Consumption Establishments permitted south of Huron Street.

3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Designated Consumption Establishments are not permitted within the same facility locations as non-marihuana uses.

E. Disposal of Waste. 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.

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 Designated Consumption Establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. 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.

G. Co-Location. There shall be no accessory uses permitted within the same Designated Consumption Establishment location other than a grower, processor, adult-use marihuana retailer, or social equity retailer, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

H. Site Design.

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping as set forth in Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **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.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. 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 ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

2.556 Adult-Use Marihuana Safety Compliance Facility.

"Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana safety compliance facility, and a sign shall be posted on the premises of each 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. 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 non-compliance 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.
3. Any marihuana safety compliance facility shall maintain a log book and/or a database accurately identifying all transactions, current inventory, and other information by date and source. A safety compliance facility shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. The 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 marihuana remaining on the premises of a marihuana safety compliance facility while the marihuana safety compliance facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the 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 MRTMA, no marihuana is permitted to be stored in an area accessible to the general public.

D. Nuisance Prohibited. No 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 marihuana safety compliance facility is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana safety compliance facility.
2. Marihuana safety compliance facility uses are permitted in the Cesar Chavez, Walton Blvd., and Downtown Adult-Use Marihuana Business Overlay Districts.

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.

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 marihuana safety compliance facility shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. 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.

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.

2.557 Adult-Use Marihuana Secure Transporter.

"Secure transporter" means a marihuana-related business located in the City that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

A. General Provisions.

1. Consumption and/or use of marihuana shall be prohibited at an establishment 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 marihuana to determine compliance with all State and local laws, rules, regulations and ordinances.

3. The premises of a secured transporter located within the City 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. If the inspection or investigations indicate non-compliance 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. A secure transporter licensee and each stakeholder shall not have an interest in a grower, processor, retailer, social equity retailer, Class A Microbusiness, Designated Consumption Establishment, or safety compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.

5. Any secure transporter shall maintain a log book and/or database identifying each transaction by date, the amount of marihuana and the number of marihuana products being transported and the source. This log shall be available to law enforcement personnel to inspect. 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 marihuana by a secure transporter shall comply with the following:
 - a. The storage facility shall not be used for any other commercial purpose.
 - b. The storage facility shall not be open or accessible to the general public.
 - c. 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 MRTMA, 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 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 marihuana is exposed.

E. Transport Driver.

1. A secure transporter shall comply with all of the following:

a. Each driver transporting marihuana must have a chauffeur's license issued by the State.

b. 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.

c. 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 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 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 marihuana secure transporter shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. 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.

G. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana secure transporter use.
2. Marihuana secure transporter uses are permitted in the Cesar Chavez, Walton Blvd., and Downtown Adult-Use Marihuana Business Overlay Districts and in the C-1, C-2, C-3, C-4, M-1 and M-2 zoning districts outside the Adult-Use Marihuana Business Overlay Districts.
3. Marihuana secure transporters are not permitted within the same facility with other adult-use marihuana business uses.

H. Site Design

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **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.

a. Generally, no more than 50% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 50% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. 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 ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

2.558 Temporary Marihuana Event.

"Temporary Marihuana Event" means a temporary license held by a Temporary Marihuana Event Organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized to permit individuals 21 years of age and older to consume marihuana products on the premises indicated on the state license during the dates indicated on the state license.

A. General Provisions.

1. Use or consumption of alcohol shall be prohibited on the premises of a Temporary Marihuana Event, and signs shall be posted at the Temporary Marihuana Event indicating that alcohol consumption is prohibited on the premises.

2. The premises or location of the Temporary Marihuana Event shall be open for inspection and/or investigation at any time by City investigators, including City Fire Department, Building Department or other law enforcement agencies. If the inspection or investigations indicate non-compliance 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 event shall be suspended until Temporary Marihuana Event Organizer brings the premises into compliance.

3. Temporary Marihuana Event shall maintain a log book and/or a database identifying by date the amount of marihuana on the premises and from which particular source. A Temporary Marihuana Event shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of the Temporary Marihuana Event.

2. Temporary Marihuana Events are only permitted in the Downtown Adult-Use Marihuana Business Overlay District.

3. The hours of operation of a Temporary Marihuana Event shall be from 7:00 am to 10:00 pm. A single Temporary Marihuana Event may not exceed a maximum 2-day period. The total days that Temporary Marihuana Events may take place shall not exceed 4-days total in any calendar month.

4. The Temporary Marihuana Event Organizer shall submit for approval a zoning application for a Temporary Marihuana Event which shall include permission from the property owner, and provide hours of operation, detailed narrative of the event, operational plan, security and safety plan and safety measures.

5. The Temporary Marihuana Event Organizer shall submit for approval a site plan identifying pedestrian and vehicular parking areas.

2.559 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 complies 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 MMA, 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:
 - a. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - b. The MMMA's definition of "medical use" of marijuana includes the "transfer" of marijuana "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.

- c. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
 - d. By permitting the operations of registered primary caregivers by special exception in zoning districts IP-1 and M-1, 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 marijuana, 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 non-compliance 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 marijuana 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 marijuana 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 marijuana 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.

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 marijuana 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 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 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:

- a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- b. 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.

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.

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, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. 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.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. 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 ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is 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.

Amend Article 3 Special Purpose – Zoning District is amended to add Chapter 12 Adult Use Marihuana Business Districts

3.1201 Intent.

The purpose of the Adult-Use Marihuana Business Overlay Districts is to provide for the placement of adult-use marihuana business establishments and related uses as authorized in accordance with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and the City's Adult-Use Marihuana Business Ordinance, so as to protect the public health, safety, and welfare of residents of the City and to minimize potential adverse impacts on adjacent property owners and neighborhoods.

3.1202 Adult-Use Marihuana Business Overlay District Uses.

Except as otherwise provided or restricted by this ordinance, the City's Adult-Use Marihuana Business Ordinance and the regulations promulgated thereunder, the following adult-use marihuana business uses are authorized in the Adult-Use Marihuana Business Overlay Districts, provided the development also meets the design and building standards set forth in Section 3.1212 and Article 2, Chapter 5, Development Standards for Specific Uses:

- A. Retailer;
- B. Social Equity Retailer;
- C. Safety compliance facility;
- D. Secure transporter;
- E. Grower;
- F. Processor;
- G. Class A Marihuana Microbusiness;
- H. Designated Consumption Establishment;
- I. Temporary Marihuana Event.

3.1203 Adult-Use Marihuana Business 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.

3.1204 Adult-Use Marihuana Business Overlay District Requiring Site Plan Review.

All adult-use Marihuana business uses are subject to site plan review set forth in Section 6.202.

3.1205 Licensing.

All operators of adult-use marihuana businesses listed in Section 3.1202 must obtain State of Michigan license and applicable City of Pontiac permits, including not but limited to, adult-use marihuana businesses, building, and zoning.

3.1206 Standards for Approval.

For consideration of adult-use marihuana businesses uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each adult-use marihuana business on its location will:

- A. Not impact surrounding residential neighborhoods.
- B. Provide easy access for persons with accessible parking.
- C. Be adequately served by utilities with sufficient capacity.
- D. Corridors and streets have the capacity to accommodate Adult-Use Marihuana Business Overlay District's 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.

3.1207 Adult-Use Marihuana Business Overlay District Location Description.

Adult-Use Marihuana Business Overlay District boundaries are established on the Adult-Use Marihuana Business Overlay District maps. These overlay districts are part of the City of Pontiac Zoning Map. The Adult-Use Marihuana Business 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 adult-use marihuana businesses uses permitted in the Adult-Use Marihuana Business Overlay District must meet the following requirements:

- A. **East Walton Overlay District (Overlay District 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 Adult-Use Marihuana Business Overlay District.

1. Not more than eight (8) permits to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 1. See Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

B. Cesar Chavez District (Overlay District 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 seven (7) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 2. See Overlay Map 2 for this Adult-Use Marihuana Business Overlay District.

C. Downtown Overlay District (Overlay District 3). All properties within Downtown District.

1. Not more than seven (7) permits to operate an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 3. See Overlay Map 3 for this Adult-Use Marihuana Business Overlay District.
2. In addition, Designated Consumption Establishments shall be limited to Downtown Adult-Use Marihuana Business Overlay District, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

D. Woodward Gateway Overlay District (Overlay District 4). All Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from South of Turk Street and ending at Central Avenue on the Northeast side of Woodward Avenue) and are adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts.

1. Not more than two (2) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 4. See Overlay Map 4 for this Adult-Use Marihuana Business Overlay District.

The overlay district is a regulatory tool to implement the establishment of adult-use 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 adult-use marihuana business uses in addition to those of the underlying zoning district.

3.1208 Buffer Distance Restrictions.

A. As measured from each property line of the adult-use marihuana business to the closest Property line of the land use described below, proximity of any proposed adult-use marihuana businesses shall not be less than:

1. One thousand (1,000) feet from an operational public or private school;
2. Five hundred (500) 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 (500) feet from a public park;
4. Except in the Downtown Overlay District (OVERLAY No. 3). All properties within Downtown District, in all other overlay districts, a proposed adult-use marihuana businesses shall not be less than Five hundred (500) feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and

B. If a parcel lot of the Adult-Use Marihuana establishment does not meet the minimum buffer distance as set forth in Section 3.1208A of this Ordinance, an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be prohibited at that location.

3.1209 Co-Location.

A. Consistent with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and rules promulgated by the Department, the City's Adult-Use Marihuana Ordinance, and except as other provided in the zoning ordinance, any combination of growers, processors, marihuana retailers, social equity retailers, Class A Microbusinesses, and designated consumption establishments may operate as separate adult-use marihuana businesses at the same physical location.

B. Consistent with the MRTMA 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 establishment.

3.1210 Building Design, Area, Height, Bulk, and Placement.

A. Four-sided Architecture: All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

B. 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.

C. If the provisions of the Adult-Use Marihuana Business Overlay District are silent on building and design requirements, the requirements of the underlying district shall apply.

D. If the building and design requirements of the Adult-Use Marihuana Business Overlay District conflict with the requirements of the underlying district, then the building and design requirements of the Adult-Use Marihuana Business Overlay District shall supersede the underlying district regulations.

E. 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, packaging, selling, research and warehousing. Negative air pressure shall be maintained within the rooms.

F. 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.

G. Generators must be installed to operate the air filter system in case of power outage or failure.

H. Exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited, including lighting device with intermittent fading, flashing,

blinking, rotating or strobe light illumination on any adult-use marihuana business building, structure or property.

I. Luminous tube lighting (e.g., neon, rope lighting) shall not be used to outline or frame doors, building elevators and/or windows.

J. 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.

K. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5.

L. It shall be prohibited to display any signs that are inconsistent with State or local law, and Article 5.

M. 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.

N. The following sign language is not permitted on any adult-use marihuana business building use: Marihuana, Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.

O. Window signs that occupy not more than ten percent of the inside surface of the window area of each floor level of a business or building are permitted.

3.1211 Alternative Design Standards Applicable to Adult-Use Marihuana Retail and Social Equity Retail Establishments in Woodward Gateway Overlay District

Due to Woodward Gateway Overlay District's standing as a strategic corridor for growth and development in the City the District's status as the "Gateway" (i.e. entry) to the City of Pontiac, additional standards shall apply in this District as set forth herein to provide adequate screening from adjacent properties and maintain the character and quality of Developments located at the entryway to the City. To minimize impact on residential homes located in the District, Adult-Use Retailers and social-equity retailers in this District shall only be authorized if adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts.

In the event that a design standard set forth in this section conflicts with any alternative design standards set forth in this Chapter, the design standards set forth herein shall be applied to the Woodward Gateway Overlay District. Nothing in this Section shall be construed as negating the requirement for Adult-Use Retailer and social-equity retailer establishments located in the Woodward Gateway Overlay District to comply with any regulations set forth in this Chapter that do not otherwise conflict with this Section.

For the reasons set forth herein, the additional design standards set forth in this Section shall apply to Adult-Use Marijuana Retailers and social-equity retailers located in the Woodward Gateway District:

- A. A five (5) foot bufferyard shall be maintained on all sides of the parcel and shall conform to the following standards:
 - 1. The bufferyard may be interrupted only to provide for roads or driveways for vehicular access.
 - 2. Grass, ground cover, or other suitable live plant material shall be planted over the entire bufferyard area, except that paving may be used in areas of intensive pedestrian circulation.
 - 3. A minimum of two (2) deciduous canopy trees shall be planted for each one hundred (100) lineal feet, or portion thereof, of required bufferyard length. Alternatively, one (1) deciduous canopy tree and four (4) evergreen trees shall be planted for each one hundred (100) lineal feet, or portion thereof, of required bufferyard length. Deciduous canopy trees and/or evergreen trees set forth under this Section shall meet the minimum caliper requirements as set forth under the City of Pontiac's Zoning Ordinance, Article 4, Chapter 4.
 - 4. For the purpose of determining required plant material, required bufferyard area length shall be measured along the exterior periphery of the bufferyard area.
 - 5. Parking Lot Landscaping Requirements:
 - a. Any premises having a parking lot or lots with an area of 6,000 square feet or greater shall provide landscape areas within the interior of the parking lot.
 - b. Interior landscaping shall provide coverage of 8% of the parking lot surface area.

c. Landscaped areas shall be placed within the perimeter of a parking lot. The perimeter of a parking lot is defined by placing a simple geometric shape around the external edges of the lot. Landscaping areas located in the corners or otherwise set in from the edge of the parking lot where such area would otherwise be paved are considered to be within the parking lot and may be included as a part of the required landscaping.

d. Required parking or paving setbacks, screening, bufferyard, or other landscaping required by this ordinance shall not be utilized to meet any other requirement of these landscaping provisions.

e. A minimum of 1 canopy tree, 1 understory tree, and 2 shrubs shall be installed for every 300 square feet of landscaped area.

f. The use of concrete, asphalt or other paved surface inside the required landscape areas shall be prohibited.

g. All landscaped areas shall be designed and located to standards acceptable to the Planning Commission that clearly define internal streets, traffic lanes and parking areas and maintain intersection sight distance. In addition:

1) Landscaped areas within a parking lot shall have a minimum width of 9 feet.

2) Raised concrete curbing shall be placed around the perimeter of all landscaped areas located within a parking lot. Up to two (2) gaps each of 12 inches or less are permitted per landscaped area to allow for the drainage of stormwater into landscape islands for the purposes of irrigation.

3.1212 Review Authority and Establishment.

A. The Planning Commission shall be the special exception and site plan review authority for the permitted adult-use marihuana business uses in the Adult-Use Marihuana Business Overlay Districts.

B. Adult-use marihuana business uses must be in accordance with the Special Exception permit review standards contained in Article 6, Chapter 3.

C. A special exception permit for adult-use marihuana business uses requires public notice of 500 feet from the proposed adult-use marihuana business.

D. All permitted adult-use marihuana businesses uses must be in accordance with the uses and development standards outlined in Article 2.

E. Within the Adult-Use Marihuana Business Overlay Districts all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

Amend Article 4 Chapter 2; Section 4.206, Keeping of Household Animals or Pets.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

Amend Article 4 Chapter 3; Section 4.303, Minimum Parking Requirements

B. Minimum Parking Required. The minimum number of off-street parking spaces shall be determined in accordance with the following Table 8. For the list of uses that are included in each category, refer to ~~Table 2~~ *Table 2.1* or the use definition categories in Article 7, Chapter 2.

Article 7 – Definitions - amend to Add Chapter 2 Definitions, and Chapter 3, General Definitions as follows:

Article 7 – Chapter 2 Definitions

7.202 Commercial, Office and Service Uses.

[Add] "Designated Consumption Establishment" means a licensed marihuana establishment authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises.

[Add] "Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance

[Add] "Marihuana Retailer" or "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

[Amend] "Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] "Secure transporter" means a marihuana-related business located in this State that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

7.203 Industrial Uses.

[Add] **Downtown Adult-Use Marihuana Business Overlay District.** See Map 3.

[Add] **Cesar Chavez Adult-Use Marihuana Business Overlay District.** See Map 2.

[Amend] Grower. A commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a processor, or provisioning center, or marihuana retailer. As used in this ordinance, grower shall include class A growers, class B growers, and class C growers, and as further regulated by either MMFLA or MRTMA as to the number of plants that each class is authorized to grow in accordance with the grower's state license and City permit.

[Add] "Primary Caregiver" or "Caregiver". Is a person who is at least 21 years old and who acquires, possesses, cultivates, uses, delivers or distributes marihuana to treat or alleviate a debilitating medical condition and has agreed to assist with a qualified patient's medical use of marihuana, 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.

[Amend] K. **Processor.** 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, or marihuana retailer, including social-equity retailer.

[Amend] Q. **Safety Compliance Facility.** A safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] S. **Secure Transporter.** A commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee, marihuana retailer, or microbusiness Class A.

[Add] **Walton Blvd. Adult-Use Marihuana Business Overlay District.** See Map 1.

[Add] **Woodward Gateway Overlay District.** See Map 4.

Article 7 – General Definitions, Chapter 3

[Add] **MRTMA.** The Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, being Sections 333.27951 to 333.27967 of the Michigan Compiled Laws, and the administrative rules promulgated thereunder.

[Add] **Marihuana Business.** Are the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption Establishment, (i) marihuana event organizer or (j) temporary marihuana event.

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC**

ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CREATE FOUR (4) ADULT-USE MARIHUANA OVERLAY DISTRICTS LOCATED IN THE CITY OF PONTIAC, SPECIFICALLY TO BE KNOWN AS FOLLOWS: ADULT-USE MARIHUANA EAST WALTON OVERLAY DISTRICT, ADULT-USE MARIHUANA CESAR CHAVEZ OVERLAY DISTRICT, ADULT-USE MARIHUANA DOWNTOWN OVERLAY DISTRICT, AND ADULT-USE MARIHUANA WOODWARD GATEWAY OVERLAY DISTRICT.

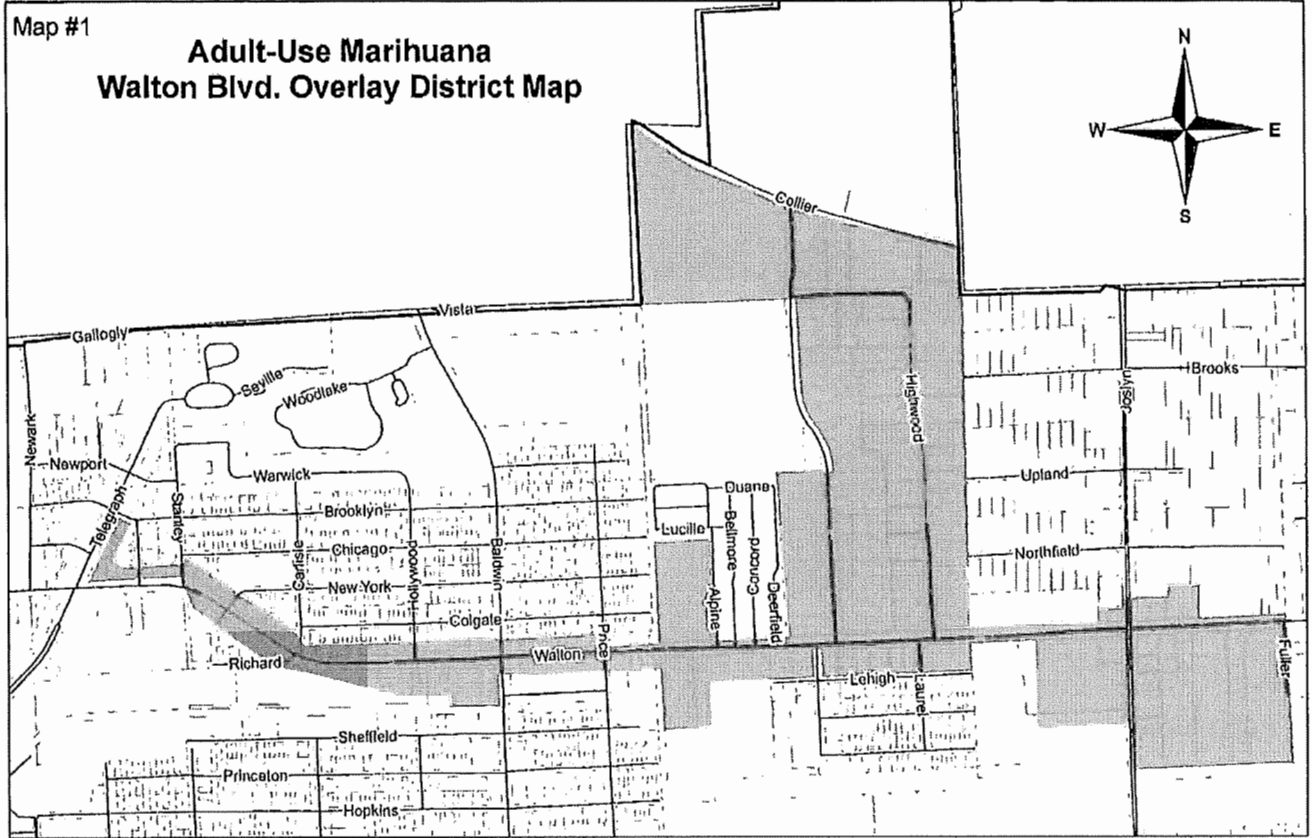
THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2, is hereby amended, changed, and altered so that hereafter the zoning classifications for the below-described areas shall include four (4) Adult Use Marihuana Overlay Districts (AUMODs) as described herein:

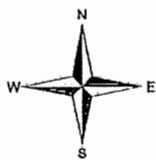
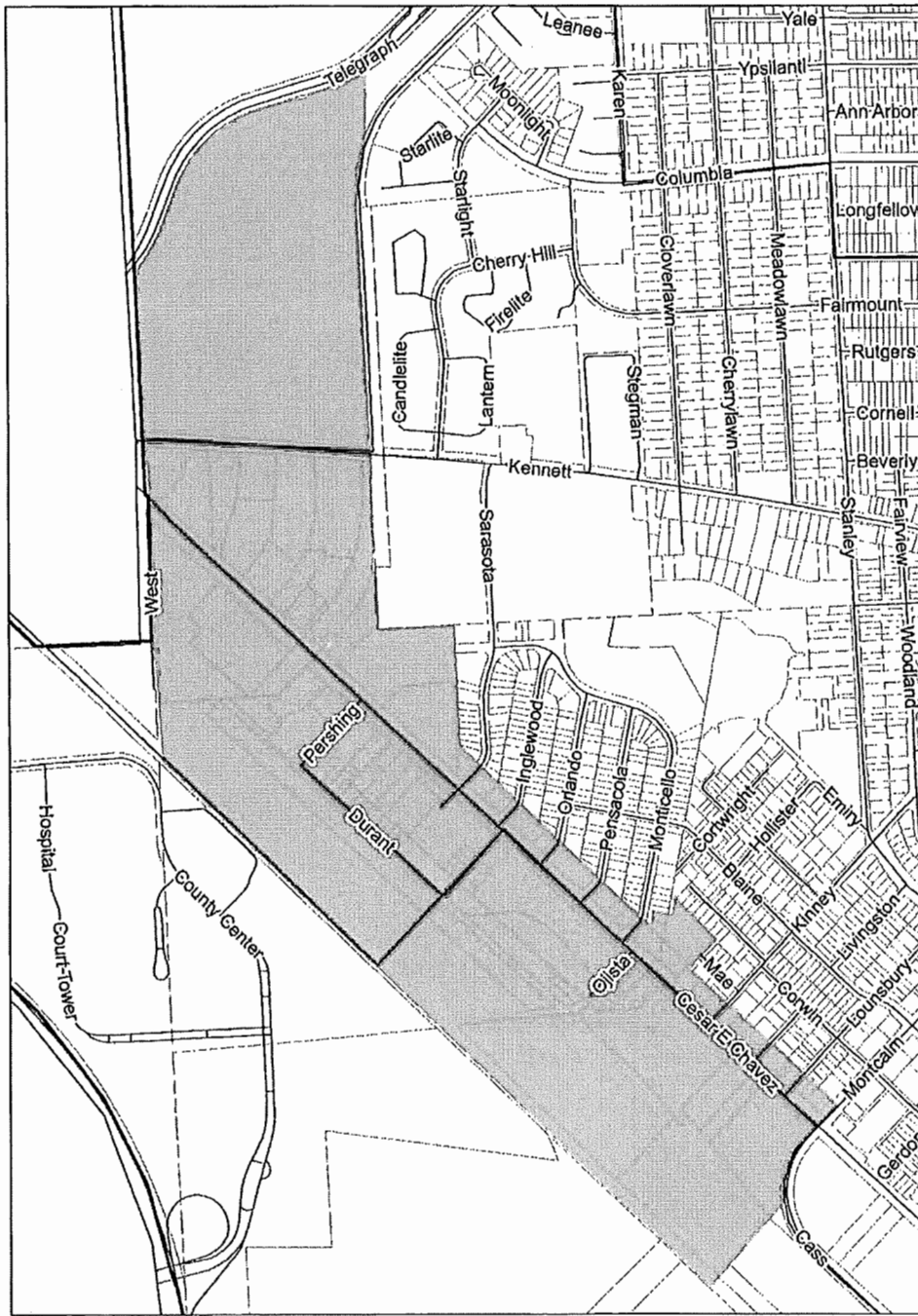
- (1) **Adult-Use Marihuana East Walton Overlay District (Overlay District 1)**, (See Map 1, below), which includes all properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, subject to all other locational requirements and regulations on adult-use marihuana facilities set forth in the City of Pontiac Zoning Ordinance as to the East Walton Overlay District.

- (2) **Adult-Use Marihuana Cesar Chavez Overlay District (Overlay District 2)**, (See Map 2, below) which includes all properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St., subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Cesar Chavez Overlay District.
- (3) **Adult-Use Marihuana Downtown Overlay District (Overlay District 3)**, (See Map 3, below), which includes all properties within the Downtown District as depicted in Map 3, subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Downtown Overlay District.
- (4) **Adult-Use Marihuana Woodward Gateway Overlay District (Overlay District 4)**, (See Map 4, below), which includes all Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from South of Turk Street and ending at Central Avenue on the Northeast side of Woodward Avenue), that are adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts and subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Woodward Gateway Overlay District.



Map #2

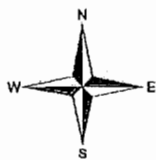
Adult-Use Marihuana Cesar Chavez Overlay District Map



0 500 1,000 2,000 3,000 4,000 Feet

Map #3

Adult-Use Marihuana Downtown Overlay District Map



0 340 680 1,360 2,040 2,720 Feet

Map #4

Adult-Use Marihuana Woodward Avenue Overlay District Map



Section 2. Repealer and Severability.

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on _____ day of _____, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: _____

Members Absent: _____

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes: _____

Members voting no: _____

Members abstaining: _____

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

Garland Doyle, City Clerk
City of Pontiac, Michigan

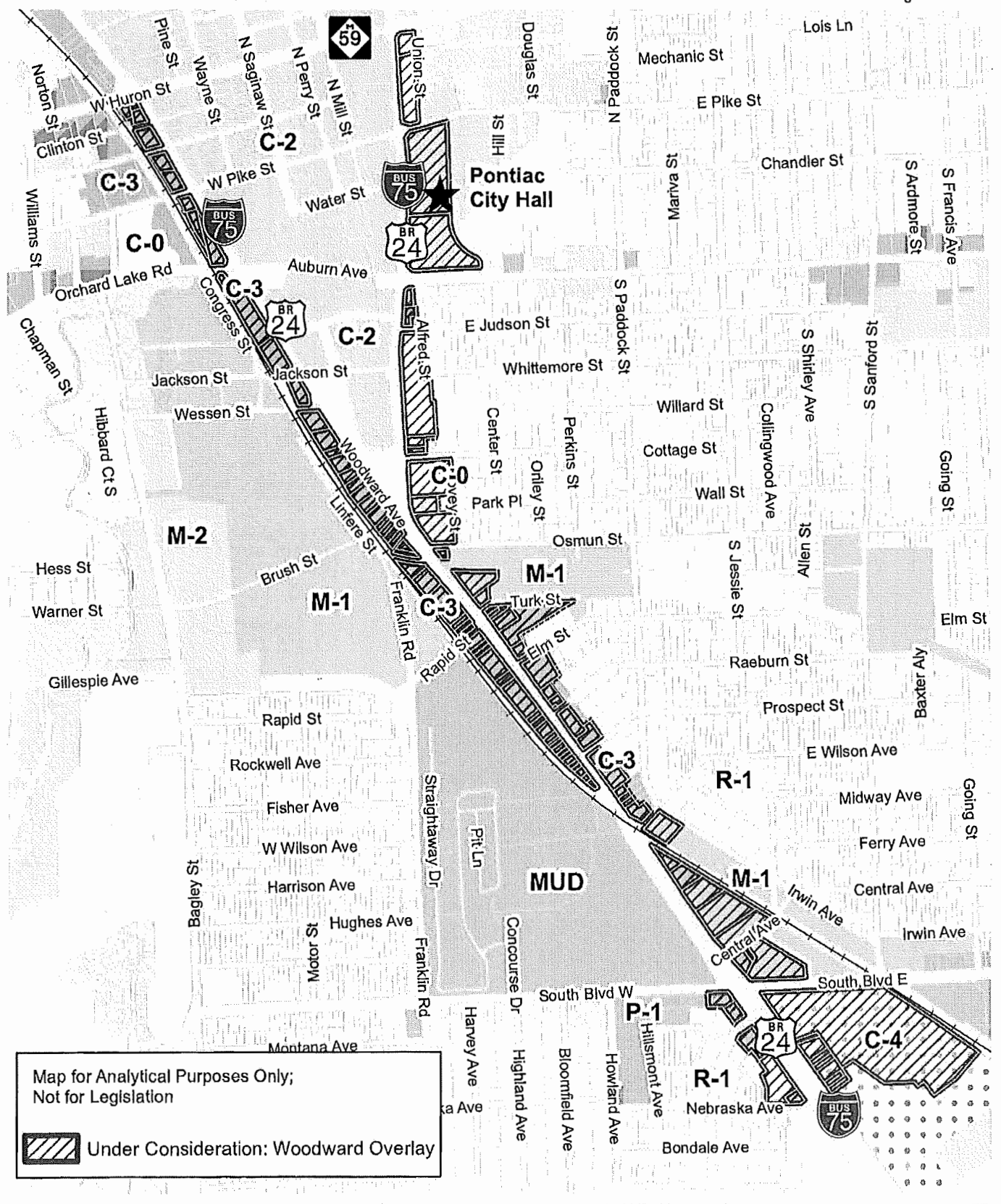
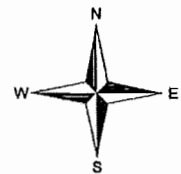
ADOPTED:

PUBLISHED:

EFFECTIVE:

Adult-Use Marihuana Woodward Overlay: Zoning District Analysis

0 500 1,000 2,000 3,000 4,000 Feet



Woodward Overlay (two options) Amend Article 3.1207.D and Amend Appendix B, Overlay District #4

- 1a. The Woodward Gateway Overlay District shall begin at Huron Street and continue South for parcels the west side of the southbound Woodward and on east side of northbound parcels of Woodward Avenue and end at Nebraska Avenue.
- 1b. The Woodward Gateway Overlay District shall begin at Huron Street on the Southbound Side of Woodward Avenue and continue south to where northbound and southbound Woodward merge into one road at the beginning of the Loop, whereas it continues along both sides of Woodward Avenue and end at Nebraska Avenue.

Additional requested motions

2. **Amend Section 2.303 Table 2.1** shall be amended as follows: A maximum of five (5) Adult-Use Marihuana Retailers shall be allowed in each of the four (4) overlay districts;
3. **Amend Section 2.303 Table 2.1** shall be amended as follows: A maximum of one (1) Adult-Use Marihuana Social Equity Retailer shall be allowed in each of the four (4) overlay districts;
4. **Amend Section 2.553.E(2.)(d.)** shall be amended as follows: Marihuana Facilities in the Woodward Gateway Overlay District need not be adjacent to the M-1 or M-2 Zoning Districts.
5. **Amend Section 3.1208** shall be amended as follows:
3.1208 Buffer Distance Restrictions.
 - A. A proximity of any proposed adult-use marihuana businesses shall not be less than:
 1. One thousand (1,000) feet from an operational public or private school;
 2. Five hundred (500) 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 (500) feet from a public park;
 4. A proposed adult-use marihuana businesses shall not be less than Five hundred (500) feet from a religious institution that is

defined as tax exempted by the Oakland County Assessor in all overlay districts EXCEPT the Downtown Overlay District (OVERLAY No. 3);

- 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 adult-use marihuana business along the centerline to the primary street address building entrance.
- C. If a parcel lot of the Adult-Use Marihuana establishment does not meet the minimum buffer distance as set forth above, an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be prohibited at that location.

#4

ORDINANCE

NONE

TO: Mayor Tim Greimel, Deputy Mayor Khalfani Stephens, Council President Michael McGuiness, Council President Pro Tem William Carrington, Councilman William Parker Jr., Councilwoman Kathalee James, Councilman Mikal Goodman and Councilman Brett Nicholson

FROM: Charles E. Murphy

DATE: March 17, 2023

CLIENT MATTER: City of Pontiac

SUBJECT: Amendments to Adult Use Marihuana Business Ordinance for March 21, 2023 Council Meeting

Amendment 1: Section 09 Licensing of Adult-Use Marihuana Businesses. Amends the number of retailers from 18 up to 20 and social equity retailers from 6 down to 4.

Amendment 2: Sec. 08. Marihuana Business Rules and Regulations. Adds Class A Microbusinesses to the subparagraphs regulating hours of operation and prohibition of drive throughs and drive through, walk-up window service, and curbside service.

Amendment 3: Sec. 17. Class A Microbusinesses. In (e) aligns the buffering measurement language to the language approved by Council on March 14, 2023. In (f) adds hours of operation amendment for Class A Microbusinesses located in the Downtown Overlay District and in (g) prohibits drive throughs and drive through, walk-up window service, and curbside service.

Amendment 4: Sec. 18. Designated Consumption Establishments. Amends (f) to align the buffering measurement language to the language approved by Council on March 14, 2023.

Amendment 5: Sec. 14. Social Equity Retailers. Amends number of permits from six down to four.

Amendment 6: Sec. 13. Marihuana Business Permit Application Process. In (h) amends the number of retailer permit from 18 up to 20 and in (l) amends number of social equity permits from 6 down to 4.

Amendment 7: Section 13 (f)(3)- Permit Application Process: Neighborhood Communication/Education Plan. Amends subparagraph (f)(3) to change "should" to "shall" and add that the Clerk shall be provided a copy of the written notice two (2) weeks before the public meeting.

MEMORANDUM

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Amendment 8: Sec. 24. Annual Marihuana Business Permit Renewal. Amends subparagraph (e)(6) to require as part of the annual permit renewal that the permittee explain with supporting data that operations have been consistent with all plans submitted with the application including but not limited to the neighborhood communication/education plan.

Charles E. Murphy
Clark Hill PLC

cc: Christopher Trebilcock

MEMORANDUM

PAGE 3

bcc: {name}|\n

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ClarkHill\18836\450500\270968490.v1-3/17/23

Amendment 1: Section 9 Adult-Use Marihuana Business Licensing Ordinance

Sec. 09. Licensing of Adult-Use Marihuana Businesses.

(a) Number of permitted adult-use Marihuana Businesses.

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	<u>2018</u>
Social Equity Retailer	<u>46</u>
Class A Microbusiness	5
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	-3
Marihuana event organizer	No limit
Temporary marihuana event	No limit

Amendment 2: Section 8 Adult-Use Marihuana Business Licensing Ordinance

Sec. 08. Marihuana Business Rules and Regulations.

(a) In addition to the Rules promulgated by the Department and the statutes of the State of Michigan, the operations of a Marihuana Business shall be conducted in accordance with the provisions of this ordinance and the City Code of Ordinances, including the zoning ordinance.

(b) Retailer establishments, and Social Equity Retailer establishments, and Class A Microbusinesses located outside of the Downtown Overlay District 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. Retailer establishments, and Social Equity Retailer establishments, and Class A Microbusinesses located in the Downtown Overlay District 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 2:00 a.m. and 7:00 a.m.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishments and Social Equity Retailer Establishments is permitted in strict compliance with Department Rules.

(d) Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for all Retailer Establishments, and Social Equity Retailer Establishments, and Class A Microbusinesses.

Amendment 3: Section 17 Adult-Use Marihuana Business Licensing Ordinance

Sec. 17. Class A Microbusinesses

- (a) A Class A microbusiness is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.
- (b) All Class A Microbusinesses, shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise specified in this Ordinance.
- (c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.
- (d) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.
- (e) Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement between the school and the contemplated location set forth above 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, and from the primary point of ingress to the contemplated location along the centerline to the primary street address building entrance, regardless of the ownership of property or Permittee.
- (f) Class A Microbusinesses located outside of the Downtown Overlay District 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. Class A Microbusinesses located in the Downtown Overlay District 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 2:00 a.m. and 7:00 a.m.

~~(f)~~(g) Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for all Class A Microbusinesses.

Amendment 4: Section 18 Adult-Use Marihuana Business Licensing Ordinance

Sec. 18. Designated Consumption Establishments.

- (a) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance.
- (b) Designated Consumption Establishments shall be limited to Downtown Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.
- (c) Designated Consumption Establishments shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.
- (d) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.
- (e) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.
- (f) Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (i) the distance separation requirement between the school and the contemplated location set forth above 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, and from the primary point of ingress to the contemplated location along the centerline to the primary street address building entrance, ~~from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located~~, regardless of the ownership of property or Permittee.
- (f) A Designated Consumption Establishment shall:
 - (1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;

(2) Prominently display a sign near the entrance of the business which carries the following warning:

WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

Amendment 5: Section 14 Adult-Use Marihuana Business Licensing Ordinance

Sec. 14. Social Equity Retailers

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit four (4) ~~six (6)~~ - social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants for social equity retailer permits may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit.

Sec. 13. Marihuana Business Permit Application Process.

(h) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate retailer establishments, awarding conditional permits to the ~~eighteen (18)~~ twenty (20)- highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than ~~eighteen (18)~~ twenty (20) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Retailer. In the event that the number of Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Retailer permits exceed the maximum number authorized under this ordinance.

(l) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Social Equity Retailer establishments, awarding conditional permits to the ~~six (6)~~ four (4) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than ~~six (6)~~ four (4) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Social Equity Retailer. In the event that the number of Social Equity Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Social Equity Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Social Equity Retailer permits exceed the maximum number authorized under this ordinance.

Amendment 78: Section 13 (f)(3)- Permit Application Process: Neighborhood Communication/Education Plan

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure which shall be approved by City Council resolution, consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marihuana Business. The plan ~~shall~~ should include meetings, at least once per year, with the neighborhood organizations, residents and general public, and to provide a contact for on-going public information, questions and concerns. Written notice to all property owners within 1500 feet of the marihuana business location, neighborhood organizations and City Clerk shall be provided a copy of the written notice two (2) weeks before the public meeting. In addition, to other methods of notice, the written notice shall be sent by mail at least two (2) weeks before the public meeting. The maximum number of scoring points in this category shall be ten (10) points.

Amendment 89: Section 24 – Annual Marihuana Business Permit Approval

Sec. 24. Annual Marihuana Business Permit Renewal.

- (a) Application for a permit renewal shall be made in writing to the Clerk at least 30 days prior to the expiration of an existing permit. Failure to submit a completed application for renewal of an existing permit along with the required renewal fee to the City Clerk on or before the license expiration date shall be grounds for the revocation or suspension of a permit. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal permit has been obtained.
- (b) An application for permit renewal shall be made under oath on forms provided by the Clerk.
- (c) An application for permit renewal shall be accompanied by a renewal fee of \$5,000.00 for each permit to help defray administrative and enforcement costs of the City associated with the operation of the Marihuana Business.
- (d) Upon receipt of a completed application for renewal of a permit meeting the requirements of this ordinance and payment of the permit renewal fee, the Clerk shall refer a copy of the renewal application to the fire department and the Community Development Department, planning division, and other appropriate City departments and officials for review.
- (e) No application for a permit renewal shall be approved unless:
 - (1) The fire department and the Community Development Department, planning division, and other appropriate departments have, within the past calendar year, inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.
 - (2) The Community Development Department, planning division, and other relevant departments have confirmed that the location complies with the zoning ordinance.
 - (3) The permittee possesses the necessary State Operating Licenses in good standing with the Department.
 - (4) The applicant has operated the Marihuana Business in accordance with the conditions and requirements of this ordinance and the City Code.

(5) The permittee has not been determined to be a public nuisance.

(6) An explanation, with supporting factual data, that the operations of the business have been consistent with all of the plans submitted with its application for a permit, including but not limited to the staffing plan, the neighborhood communication/education plan, and proof of an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(7) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and the positive impact of the social equity plan on local residents.

(9) The City Treasurer has confirmed that the applicant and each stakeholder is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(10) The City has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the criminal background check and security plan.

(11) Unless the applicant shows good cause, the applicant shall demonstrate to the City Clerk that the applicant was open and conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. The term "good cause" shall mean substantial grounds, such as an emergency, fire damage, or other unforeseeable circumstances that prevented the applicant from conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. Economic or financial decisions, or inability to secure capital or financial resources that prevented an applicant from conducting business for a minimum of twenty (20) hours per week during the prior year shall not be good cause.

(f) If written approval is given by each department or entity identified in this section, and the Clerk determines that the applicant has satisfied subsections (a), (b), (c), (d) and (e) of this Section, then the Clerk shall renew the permit of the applicant.

CITY OF PONTIAC
ORDINANCE NO. # _____

AN ORDINANCE TO ALLOW ADULT-USE MARIHUANA ESTABLISHMENTS TO OPERATE IN THE CITY OF PONTIAC PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ.; TO PROVIDE FOR STANDARDS AND PROCEDURES TO PERMIT AND REGULATE ADULT-USE MARIHUANA ESTABLISHMENTS; TO PROVIDE FOR THE IMPOSITION OF PERMIT APPLICATION FEES AND RENEWAL FEES; AND TO IMPOSE CONDITIONS FOR THE OPERATION OF ADULT-USE MARIHUANA ESTABLISHMENTS.

THE CITY OF PONTIAC ORDAINS:

ARTICLE _____. ADULT-USE MARIHUANA BUSINESS LICENSING

Sec. 01. Title.

The title of this ordinance shall be the "City of Pontiac Adult-Use Marihuana Business Ordinance."

Sec. 02. Purpose and Intent.

A. Purpose. The purpose of this Ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marihuana establishments in accordance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marihuana businesses can be operated in the City. Further the purpose of this Ordinance is to:

(1) Protect the health, welfare and safety of the public through reasonable regulations on adult-use marihuana business operations as it relates to noise, odor, air and water quality, food safety, public safety, security for the establishments and its personnel, and other health and safety concerns;

(2) Protect residential zoned properties and neighborhoods by limiting the location and the concentration of types of Marijuana Businesses to specific areas of the City;

(3) Establish application and license fees to defray and recover the City's costs for administering and enforcing this ordinance;

(4) Recognize that the City of Pontiac has been identified by the State of Michigan's Cannabis Regulatory Agency as a city that has been disproportionately impacted by marihuana prohibition and enforcement and that social equity in the marihuana industry is necessary to address the historical disproportionate impact of marihuana prohibition and enforcement upon Pontiac residents and to positively impact the Pontiac community;

(5) Minimize the adverse effects from growing, processing, dispensing and storage of marihuana;

(6) Minimize the adverse effects from excessive consumption and use of marihuana;

(7) Coordinate with state laws and regulations addressing Marihuana Businesses; and

(8) To restrict the issuance of Marihuana Business permits only to those individuals and entities that demonstrate an intent and ability to fully comply with this Ordinance and the laws of the City and the State of Michigan.

B. Legislative Intent. This ordinance authorizes the establishment of adult-use marihuana businesses within the City of Pontiac consistent with the provisions of MRTMA, subject to the following:

(1) Use, distribution, cultivation, production, possession, and transportation of marihuana remains illegal under federal law, and marihuana remains classified as a "controlled substance" by federal law. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under state or federal law. This ordinance does not protect the owners of properties on which a marihuana commercial operation is occurring from prosecution or from having their property seized by federal law enforcement authorities.

(2) This ordinance is to be construed to protect the public health, safety and welfare over commercial adult-use marihuana business interests. The operation of a permitted adult-use marihuana business in the City is a revocable privilege and not a right in the City. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of adult-use marihuana as a commercial enterprise

in the City. The City determines that the commercialization of marihuana is a “closely regulated industry” as that term is used in U.S. Supreme Court jurisprudence.

(3) Any individual or business entity which purports to have engaged in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise in the City without obtaining the required authorization required by this ordinance is deemed to be an illegally established nuisance, and as such is not entitled to legal nonconforming status under this ordinance, the City zoning ordinance, or state statutory or common law.

(4) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form that is not in strict compliance with the MRTMA and the Marihuana Tracking Act, and all applicable administrative rules promulgated by the State of Michigan regarding the commercialization of marihuana. Strict compliance with all applicable state laws and regulations is a requirement for the issuance or renewal of any permit issued under this ordinance, and noncompliance with any applicable state law or regulation is grounds for the revocation or nonrenewal of any permit issued under this ordinance.

C. Indemnification of the City.

(1) By accepting a permit issued pursuant to this ordinance, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a permit issued pursuant to this ordinance, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating marihuana business arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana business or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).

D. Reservation.

(1) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to reject any and all applications, to reject an application not accompanied with the required documentation or data required by the application, or to reject an application which is any way incomplete, irregular, not responsive or not responsible.

(2) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to amend or repeal this ordinance in any manner, including, but not limited to, the complete prohibition of any type of adult-use marihuana business or limiting the number and types of adult-use marihuana businesses authorized to operate in the City.

(3) Nothing in this ordinance is to be construed to grant or grandfather any marihuana business a vested right, license, permit or privilege for continued operations within the City.

Sec. 03. Definitions.

Unless defined by this ordinance, any term used in this Section that is defined by the MRTMA, or the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing marihuana shall have the definition given in MRTMA and in the Rules.

As used in this Section, the following terms shall have the meanings indicated:

"Applicant" means a person who applies for a City-issued permit to operate a Marihuana Business in accordance with the terms of this Ordinance and the City zoning ordinance. With respect to disclosures in an application for a permit issued pursuant to this Ordinance for purposes of ineligibility for a permit and the transfer of an interest in an issued permit, the term "applicant" includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest in the Marihuana Business, and the following true parties of interest for each type of applicant:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners, and their spouses.

- (4) For a limited liability company: all members and managers, and their spouses.
- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.
- (6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.
- (7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive gross or net profits from the enterprise during any full or partial calendar or fiscal year.
- (8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.
- (9) For a trust: all trustees, any individual or body able to control and direct affairs of the trust, and any beneficiary who receives or has the right to receive the gross or net profit distributions of the trust during any full or partial calendar or fiscal year, and their spouses.

"Application" means the form(s) provided by the City, accompanied with the nonrefundable application fee per each permit requested.

"City" means the City of Pontiac, Michigan.

"Class A marihuana grower" means a grower licensed to grow not more than 100 marihuana plants.

"Class A Microbusiness" means a marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing.

"Class B marihuana grower" means a grower licensed to grow not more than 500 marihuana plants.

"Class C marihuana grower" means a grower licensed to grow not more than 2,000 marihuana plants.

"Co-Locate" or "Co-Location" means any combination of growers, processors, retailers, social equity retailers, designated consumption, and Class A microbusiness establishments that may operate as separate marihuana businesses at the same physical location.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

"Department" means the State of Michigan Department of Licensing and Regulatory Affairs (LARA), including without limitation, the Cannabis Regulatory Agency, or its successor agency.

"Designated Consumption Establishment " means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3.

"Disqualifying conviction" means a conviction that makes an applicant ineligible to receive a license under MRTMA and the Rules.

"Equivalent License" means any of the following state operating licenses when held by a single licensee:

- (1) Grower licenses of any class under both the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et. seq. ("MMFLA") and MRTMA.
- (2) Processor licenses under both the MMFLA and MRTMA.
- (3) Secure transporter licenses under both the MMFLA and MRTMA.
- (4) Safety compliance facility licenses under both the MMFLA and MRTMA.
- (5) A provisioning center license under the MMFLA and a retailer establishment license under the MRTMA.

"Grower" means a licensee establishment that cultivates, dries, trims, or cures and packages marihuana for sale or transfer to a processor, retailer, or another grower.

"Industrial Hemp" means the term as defined at MCL 333.27953 (c).

"License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment in the City.

"Marihuana" means the term as defined at MCL 333.27953. For purposes of this Ordinance marihuana does not include industrial hemp.

"Marihuana accessories" means the term as defined at MCL 333.27953 (g).

"Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

"Marihuana Business" means the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) designated consumption establishment, (i) marihuana event organizer or (j) temporary marihuana event.

"Marihuana establishment" means a location at which a permittee is permitted to operate under this Ordinance and MRTMA.

"Marihuana Event Organizer" means a person licensed to apply for a temporary marihuana event license.

"Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

"Marihuana Tracking Act" or "MTA" means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

"Michigan Regulation and Taxation of Marihuana Act" or "MRTMA" means, Initiated law 1 of 2018, MCL 333.27951, et. seq., as amended and all future amendments.

"Permit" means the permit issued pursuant to this ordinance authorizing the operation of a Marihuana Business in the City.

"Permittee" means a person who receives and holds a permit to operate a Marihuana Business issued by the City under this ordinance.

"Person" means an individual, sole proprietorship, partnership, limited partnership, limited liability limited partnership, corporation, limited liability company, trust, or other legal entity, and includes persons within the definition of "applicant" as that term is used in this Ordinance.

"Processor" means a person licensed to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, class A microbusiness, or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the Industrial Hemp Research and Development Act.

"Retailer" means a licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA.

"Rules" means the unified administrative rules promulgated and from time to time amended by the Department to implement the MMFLA and MRTMA.

"Safety Compliance Facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

"Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

"School" means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

"Social Equity-Qualified Business" mean a marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

"Stakeholder" means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all general and limited partners.

"State" means the State of Michigan.

"State Operating License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment, as specified in the license.

"Temporary Marihuana Event" means a license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

Sec. 04. Creation of Marihuana Business Commission; Composition; Quorum

(a) There is hereby created a Marihuana Business Commission. There shall be four (4) members of the Marihuana Business Commission. The membership shall elect from among its members a chairman, vice-chairman, and secretary.

(b) A quorum of the Marihuana Business Commission shall consist of three (3) members.

Sec. 05. Marihuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.

(a) Members of the Marihuana Business Commission shall be residents of the city, and shall be chosen so far as reasonably practicable in such a manner as to represent a cross-section of the community.

(b) Members of the Marihuana Business Commission shall be appointed by the mayor to serve at the pleasure of the mayor for a term of three (3) years. Reappointment of a member to serve an additional consecutive term is subject to council approval.

(c) If a vacancy occurs on the Marihuana Business Commission, the mayor shall appoint a new member to fill the vacancy.

(d) Members of the Marihuana Business Commission shall serve without pay.

Sec. 06. Marihuana Business Commission Powers and Duties.

The Marihuana Business Commission shall review and decide all appeals that are forwarded to it by the clerk under this ordinance. The Marihuana Business Commission shall review all appeals de novo. The Marihuana Business Commission shall only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material,

substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding.

Sec. 07. Marihuana Business Commission Rules and Regulations; Meetings.

(a) The Marihuana Business Commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations.

(b) The rules and regulations adopted by the Marihuana Business Commission shall be subject to approval by the council.

(c) The Marihuana Business Commission shall maintain a written record of its proceedings and actions which shall be available for public inspection, showing the action of the commission and the vote of each member upon each question considered. All meetings of the commission shall be held in conformance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

Sec. 08. Marihuana Business Rules and Regulations.

(a) In addition to the Rules promulgated by the Department and the statutes of the State of Michigan, the operations of a Marihuana Business shall be conducted in accordance with the provisions of this ordinance and the City Code of Ordinances, including the zoning ordinance.

(b) Retailer establishments and Social Equity Retailer establishments located outside of the Downtown Overlay District 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. Retailer establishments and Social Equity Retailer establishments located in the Downtown Overlay District 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 2:00 a.m. and 7:00 a.m.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishments and Social Equity Retailer Establishments is permitted in strict compliance with Department Rules.

(d) Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for all Retailer Establishments and Social Equity Retailer Establishments.

Sec. 09. Licensing of Adult-Use Marihuana Businesses.

(a) Number of permitted adult-use Marihuana Businesses.

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	18
Social Equity Retailer	6
Class A Microbusiness	5
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit

Sec. 10. City Marihuana Business Permit and Annual Fee Required.

(a) No person shall establish or operate a Marihuana Business located in the City without first meeting all of the requirements set forth in this Ordinance, obtaining a permit from the City Clerk, and obtaining a State Operating License. Permits and State Operating Licenses shall be kept current and publicly displayed within the business. Failure to maintain or display current state licenses and City permits is a violation of this ordinance. A Marihuana Business operating without a City permit under this Ordinance or without a State license is declared to be a public nuisance.

(b) There shall be an initial application fee of \$5,000.00 and an annual nonrefundable renewal of permit fee of \$5,000.00 to defray the administrative and enforcement costs associated with marihuana businesses located in the City.

(c) The City permit fee requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by the Department and any other state regulatory agency, or by City ordinance, including, by way of example, and not limited to, any applicable fees for site plan review, zoning review, inspections, or building permits.

(d) A separate permit is required for each Marihuana Business located at a premises from which an adult-use marihuana commercial business is operated. Operation of a grower, processor, retailer establishment or social equity retailer establishment, Class A microbusiness, and designated consumption establishment at the same location is authorized, provided that each establishment is separately licensed and permitted. Operation of a retailer establishment or social equity retailer establishment, Class A microbusiness and a designated consumption establishment at the same location as a grower or processing establishment is authorized when in conformity with the City zoning ordinance.

(e) Within thirty (30) days of approval of the applicant's application, the applicant will start all necessary requirements as required by the City to obtain their certificate of occupancy, including, without limitation, complying with all applicable building department, fire department, code and inspection requirements, including the approval of the site plan.

(f) All Marihuana Business permits shall be effective for one (1) year of its original date of issuance by the City and must be renewed annually.

(g) The conditional permittee has one (1) year to complete its site plan upon the approval of the issuance of the Marihuana Business conditional permit. The Community Development Director may extend the completion of the site plan up to an additional six months, provided the applicant demonstrates good cause for the extension.

Sec. 11. Location Criteria.

- (a) No marihuana business is eligible to receive a permit unless at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marihuana commercial business for which the permit is being sought.
- (b) Mobile marihuana businesses and limited contact transaction operations, except for curbside service in a designated area at a marihuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance, are prohibited.
- (c) A permittee shall not operate a marihuana business at any location in the City other than at the address provided in the application on file with the City Clerk.

Sec. 12. General Permit Application Requirements.

(a) An applicant seeking a permit pursuant to the provisions of this ordinance and licensure by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application.

(b) An application shall be complete and made under the penalty of perjury and shall contain all of the following:

(1) The applicants, all of its stakeholders, and the proposed manager's full name, date of birth, residential and business address, email address, and telephone numbers including emergency contact information, and a copy of a government-issued photographic identification card of the applicant and all stakeholders:

(a) If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification (EIN) number.

(b) If the applicant is not an individual or sole proprietorship, the applicant shall provide information regarding the business entity, including, without limitation, the name and address of the entity, website address (if any), type of business organization, proof of registration with, or a certificate of good standing from, the State of Michigan, or other state or foreign jurisdiction, as applicable, and the names, dates of birth, residential and business addresses, email addresses, phone numbers of each applicant, each stakeholder and their spouses, and the federal tax identification number of the business entity.

(2) The identity of every person having an ownership or beneficial interest in the applicant with respect to which the license is sought, including the ownership structure of the entity that identifies the ownership percentage held by each stakeholder; provided, however, a social equity-qualified business entity who is an applicant must be able to demonstrate

51% or more ownership by qualifying social-equity applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(3) If the applicant is not an individual, the articles of incorporation or organization, federal tax identification number and confirmation letter, and the limited liability company's operating agreement, the corporation's shareholder agreement and bylaws, and the partnership agreement for a partnership or limited partnership, as applicable.

(4) A copy of the applicant's notice of prequalification status issued by the Department to operate an adult-use marihuana establishment. If the applicant does not have adult-use prequalification status from the Department, the application will not be processed by the City.

(5) The name and address of the proposed Marihuana Business and any additional contact information deemed necessary by the City Clerk, including the following:

(a) A copy of the deed reflecting the applicant's ownership of the proposed permitted premises, or a purchase agreement or option to purchase the proposed permitted premises as applicable; or

(b) A copy of the lease reflecting the right of the applicant to possess, or an agreement or option reflecting the applicant's right to lease, the proposed permitted premises, and a notarized statement from the owner of such property authorizing the use of the property for a marihuana business as applicable.

(6) For the applicant and every stakeholder, affirmation that each is at least 21 years of age.

(7) A criminal history background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police criminal history report for applicants residing in Michigan. For applicants who reside in any other state, federal or foreign jurisdiction, or who have resided in any other state, federal or foreign jurisdiction within 5 years prior to the date of the application provide a certified state, federal or foreign jurisdiction sponsored or authorized criminal history report. The applicant is responsible for all charges incurred in requesting and receiving the criminal

history report and the report must be dated within thirty (30) days of the date of the application.

(8) Written consent authorizing the City to obtain a criminal history report from the Michigan State Police, the Federal Bureau of Investigation, or other applicable state, federal or foreign jurisdiction law enforcement or police agency, to ascertain whether the applicant and stakeholders have any disqualifying convictions or convictions involving dishonesty, theft, fraud, or controlled substances.

(9) A current organization chart that includes position descriptions and the names of each person holding such position, which shall include date of birth, address, copy of photo identification, and email address for any operator, manager, or employee if other than the applicant.

(10) A complete list of all marihuana related business permits and licenses held by applicant.

(11) An attested disclosure whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, the reason for such revocation or suspension and copies of the orders of revocation or suspension.

(12) An attestation that no applicant or stakeholder is ineligible from holding a state license to operate a marihuana commercial business.

(13) An attestation that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this ordinance.

(14) A statement that no applicant is in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(15) For the applicant and for each stakeholder a resume that includes a business history and any prior experience with a marihuana-related business.

(16) The proposed business plan of the applicant, which shall include without limitation, the following:

(a) A description of the type of the proposed adult-use marihuana commercial operation and its physical address; and

(b) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, and the goals and objectives to recruit, hire and promote residents of the City; and

(c) A staff training and education plan that the applicant will provide to employees; and

(d) The financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marihuana Business; and

(e) Short and long-term goals and objectives; and

(f) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the establishment , a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, including plans for community outreach and worker training programs;

(g) If co-location of Marihuana Businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such

facilities, including identification of any points of entry, ingress or egress, and controls at each location; and

(h) A neighborhood communication/education plan and strategies; and

(i) Any charitable plans and strategies whether through financial donations or volunteer work.

(17) A lighting plan showing the lighting outside of the marihuana business for security purposes and compliance with applicable City outdoor lighting requirements;

(18) A security plan, including, but not limited to, lighting, alarms, barriers, recording/monitoring devices, safes, and/or security guard arrangements proposed for the establishment and premises. The security plan must contain the specification details of each item of security equipment.

(19) A to-scale diagram of the proposed licensed premises, no larger than 11 inches by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passageways, and means of public entry and exits to the proposed licensed premises, loading zones, available on-site parking spaces, including handicapped accessible spaces, fencing at the premises, and all areas in which marihuana will be stored, grown, manufactured or dispensed;

(20) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed Marihuana Business.

(21) A proposed marketing, advertising, and business promotion plan for the proposed Marihuana Business.

(22) A description of planned tangible capital investment in the City for each proposed Marihuana Business.

(23) A social equity plan that (a) promotes and encourages participation and ownership in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and that (b) positively impacts local residents.

(24) A depiction of any proposed signage, text or graphic materials to be shown on the exterior of the proposed Marihuana Business.

(25) A sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract or letter of intent between the Applicant and sanitation waste provider.

(26) A proposed inventory and recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors and compliance with the requirements of the Department.

(27) Proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(28) A signed acknowledgement that the applicant understands that all matters related to marihuana cultivation, possession, dispensing, testing, transporting, distribution and use are subject to federal and state laws and regulations, and that the approval of a permit hereunder does not exonerate or excuse the applicant from abiding by the

provisions and requirements and penalties associated therewith. Further, the applicant completely releases and forever discharges the city and its respective employees, agents, facilities, insurers, indemnors, successors, heirs and/or assigns from any and all past, present or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory or recovery, which the applicant or its stakeholders may now have, or which may hereafter accrue or otherwise be acquired, on account of, or may in any way arise out of the applicant or stakeholders' application for a permit and, if issued a permit, the applicant or stakeholders' operation of a Marihuana Business.

(29) A scaled location area map that identifies the relative locations of, and distances from, Schools, childcare centers, public parks, and religious institutions, as 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, religious institution, or public park, nearest to contemplated location, and from the primary point of ingress to the contemplated location.

(30) If the applicant is applying for a permit to operate a Retailer, a Social Equity Retailer, a Class A Microbusiness, a Designated Consumption Establishment, or a Temporary Marihuana Event, a description of drug and alcohol awareness programs to be provided by the applicant to customers and the public.

(31) If the applicant is applying for a permit to operate a grower, a cultivation plan that includes a description of the cultivation methods to be used. Outdoor grows are prohibited.

(32) If the applicant is applying for a permit to operate a grower, a chemical and pesticide storage plan that complies with the requirements of the Department.

(33) An applicant for a Marihuana Secure Transporter license shall provide copies of the vehicle registration for all commercial motor vehicles that will be used to transport marihuana or marihuana-infused products. A secure transporter must provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with

limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage.

(34) Any other information requested by the City Clerk considered to be relevant to the processing or consideration of the application.

(c) An applicant may apply for multiple Marihuana Business permits of the same or different nature, except that Class A Microbusiness applicants may not hold an ownership interest in a grower, processor, retailer, or social equity retailer, and social equity retailer permits are limited to social equity qualified applicants. No person who holds an ownership interest in a safety compliance facility or in a secure transporter may hold an ownership interest in a grower, a processor, a retailer, a social equity retailer, or a Class A microbusiness.

Sec. 13. Marihuana Business Permit Application Process.

(a) Upon receipt of a completed application meeting the requirements of this ordinance and payment of the permit application fee, the Clerk shall refer a copy of the application to the fire department and the Community Development Department, the planning division, and other affected departments for review and compliance with the City Code.

(b) No application for a permit shall be approved unless:

(1) The fire department and the Community Development Department and other affected departments have inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, the planning division, and other affected departments have confirmed that the proposed location complies with the zoning ordinance.

(3) The proposed Marihuana Business has been issued a certificate of occupancy and, if necessary, a building permit.

(4) The City Treasurer confirms the applicant and each stakeholder and the proposed location of the Marihuana Businesses are not in default to the City.

(c) After sixty (60) days from the effective date of this ordinance, the Clerk shall begin accepting adult-use Marihuana Business applications for a permit to operate a grower, processor, secure

transporter, safety compliance facility, marihuana event organizer, and temporary marihuana event.

(d) The Clerk shall award a conditional permit to any applicant for a permit to operate a grower, processor, secure transporter, safety compliance facility, marihuana event organizer, and temporary marihuana event, upon the determination by the Clerk that the application is complete, the applicant receives the City and State of Michigan approvals required in this ordinance, and the applicant meets all of the requirements of this ordinance and the City Code, including the zoning ordinance. If the City Clerk identifies, or is informed of, a deficiency in an application, the applicant has two (2) weeks to correct the deficiency after notification by the City Clerk. The Clerk will grant a final permit if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, and obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted and enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(e) Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment Applications. After sixty (60) days from the effective date of this ordinance, the Clerk shall set a 21-day application window period during which applicants may apply for a Retailer, Social Equity Retailer (limited to Social Equity Qualified applicants), Class A Microbusiness and Designated Consumption Establishment permits. After the 21-day application window closes, the Clerk shall assess, evaluate, score and rank all applications for permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment submitted during the twenty-one (21) day application window period. The Clerk shall review all submitted applications for completeness.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure which shall be approved by City Council resolution, consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

(1) The content and sufficiency of the information required to be in the application under this ordinance. Applicant must have submitted all required materials for each category in a professional, organized manner with clear and accurate labeling of all required items. Failure to clearly and accurately label and organize the application materials will result in the deduction of points. The maximum number of scoring points in this category shall be five (5) points.

(2) Whether the proposed Marihuana Business will have a detrimental impact on the surrounding area and neighborhood including the distance of the establishment to properties zoned or used residentially; traffic patterns, traffic mitigation and resident safety; plans for litter control, loitering, noise mitigation, odor mitigation. Applicant shall submit a traffic impact study by a professional traffic engineer. Applicant shall submit a sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract between the Applicant and sanitation waste provider. Applicant shall submit an odor control plan satisfying the criteria in Sec. 15 of this ordinance. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marihuana Business. The plan should include meetings, at least once per year, with the neighborhood organizations, residents and general public, and to provide a contact for on-going public information, questions and concerns. Written notice to all property owners within 1500 feet of the marihuana business location, neighborhood organizations and City Clerk shall be provided. In addition, to other methods of notice, the written notice shall be sent by mail at

least two (2) weeks before the public meeting. The maximum number of scoring points in this category shall be ten (10) points.

(4) Whether the applicant or its stakeholders have made, or plan to make, significant physical investment and improvements to the building where the proposed Marihuana Business is to be located, including the applicant's financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marihuana Business and proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment. The maximum number of scoring points in this category shall be ten (10) points.

(5) Whether the applicant and all of its stakeholders have a record of acts that are not detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; applicant shall demonstrate and document a history of regulatory compliance with all federal, state and local laws and regulations, and shall disclose all complaints, judgments, convictions, administrative and regulatory decisions, permit and license suspensions, revocations and fines, rendered by any federal, state and local government agencies, including but not limited to wage and hour laws, anti-discrimination and civil rights laws, and occupational, health and safety laws. The maximum number of scoring points in this category shall be ten (10) points.

(6) Whether the applicant has disclosed and documented sufficient financial resources and total amount of capitalization to develop, operate and maintain a Retailer, Social Equity Retailer, Class A Microbusiness or Designated Consumption Establishment, and demonstrates the requisite business experience to execute, the submitted business plan and other plans required by this ordinance. The applicant should disclose and document sources and total amount of capitalization to operate and maintain a Retailer establishment, a Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment, and include a CPA attested financial statement, a valid pro forma for three years, proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy satisfying the criteria in Sec. 12 (b)(27) of this ordinance, attest that the applicant and any of its owners have not filed bankruptcy in the last seven (7) years, have not had liens placed upon financial accounts or property by the Internal Revenue Service or

state Treasuries, and has filed personal and/or corporate income tax returns for the past five (5) years. The maximum number of scoring points in this category shall be twenty (20) points.

(7) Description of staffing plan that includes the number and type of full-time and part-time positions the applicant intends to create; the proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, the applicant intends to pay employees, unless otherwise prohibited by state law; whether the applicant has articulated plans and strategies to recruit, hire and mentor for career advancement, a percentage of diverse residents from the City of Pontiac, including those residents who are veterans, low income and/or have a prior controlled substance record (excluding distribution of a controlled substance to a minor); a staff training and education plan that the applicant will provide to employees; an explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the establishment; short and long-term goals and objectives; and whether the applicant has articulated plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave. The applicant shall maintain and provide data to the City Clerk supporting its staffing plan which shall be considered at the time of renewal of any permit issued pursuant to this ordinance to determine compliance. The maximum number of scoring points in this category shall be ten (10) points.

(8) Planned philanthropic initiatives and community improvement programs aimed at the City of Pontiac, which may include a \$1,000 donation to a fund administered by the City used to promote social equity in the City of Pontiac, a negatively impacted community, by promoting advocacy around criminal justice issues related to marihuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marihuana, and community education and outreach on adult-use marihuana in general. The maximum number of scoring points in this category shall be ten (10) points.

(9) Whether the applicant received conditional approval for a medical marihuana provisioning center permit pursuant to City of Pontiac's Medical Marihuana Facilities Ordinance, Article XXX , Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marihuana provisioning center subject to receipt of a valid building permit from the City not less than 30 days prior to the application for Marihuana Retailer or Social Equity Retailer permit. The maximum number of scoring points in this category shall be twenty (20) points.

(10) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, or will rehabilitate and/or redevelop, an existing building by demolishing and rebuilding or completely renovating a building that has been vacant or had been vacant as registered with the City for one (1) year or more. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, or will rehabilitate and/or redevelop, an existing building by demolishing and rebuilding or completely renovating a building that has been cited as blighted or dangerous or had been cited as blighted or dangerous (as such term is defined in the City's Code of Ordinances). The maximum number of scoring points in this category shall be ten (10) points.

(12) Whether an applicant proposes a social equity plan that promotes and encourages social equity participation and ownership in the marihuana industry by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

(13) Whether an applicant demonstrates social equity participation and greater than 50% ownership by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively

impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

(g) Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero (0) points to one hundred and sixty five (165) points with the lowest overall total score as zero (0) points and the highest possible total score being one hundred and sixty five (165) points.

(h) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate retailer establishments, awarding conditional permits to the eighteen (18) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than eighteen (18) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Retailer. In the event that the number of Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Retailer permits exceed the maximum number authorized under this ordinance.

(i) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Class A Microbusinesses, awarding conditional permits to the five (5) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than five (5) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Class A Microbusiness. In the event that the number of Class A Microbusiness permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Class A Microbusinesses to an applicant who submits a complete

application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Class A Microbusiness permits exceed the maximum number authorized under this ordinance.

(j) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding conditional permits to the three (3) highest scoring applicants for the North of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(k) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding conditional permits to the three (3) highest scoring applicants for the South of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets

the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(l) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Social Equity Retailer establishments, awarding conditional permits to the six (6) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than six (6) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Social Equity Retailer. In the event that the number of Social Equity Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Social Equity Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Social Equity Retailer permits exceed the maximum number authorized under this ordinance.

(m) The Clerk will grant a final permit to a retailer, social equity retailer, Class A microbusiness and designated consumption establishment if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted, and enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(n) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a permit of any kind or nature whatsoever, including, but not limited to, any claim of entitlement.

(o) The Clerk may engage professional expert consultant assistance in performing the Clerk's duties and responsibilities under this Ordinance.

Sec. 14. Social Equity Retailers

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit six (6) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants for social equity retailer permits may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit.

Sec. 15. Odor Control.

(a) No Marihuana Business, permittee, person, tenant, occupant, licensee, landlord or property owner shall permit the release of marihuana odors from any origin to cause obvious odors emanating from the premises in which they derived and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor interferes with the reasonable and comfortable use and enjoyment of another's property shall be determined by the objective standards of a reasonable person of normal sensitivity.

(b) Marihuana Businesses shall use sufficient procedures to prevent smoke, odor, debris, dust, fluids and other substances from escaping the premises of the Marihuana Business. If any smoke, odor, debris, dust, fluids or other substances leave the Marihuana Business in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the Marihuana Business and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this chapter.

1. A plan for ventilation of the Marihuana Business that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

2. Cultivated, produced, or distributed by a Marihuana Business. A Marihuana Business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the Marihuana Business or at any adjoining use or property.

3. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a Marihuana Business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana establishment, the owner of the subject premises and the permittee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Marihuana Business shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 16. Social Equity

(a) A permittee must use good-faith efforts in hiring employees who have been negatively impacted by marihuana prohibition. Adult-use recreational marihuana businesses should use good-faith efforts to hire and retain 25 percent of its employees who are low income or live in the City of Pontiac.

Sec. 17. Class A Microbusinesses

(a) A Class A microbusiness is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.

(b) All Class A Microbusinesses, shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise specified in this Ordinance.

(c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.

(d) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

(e) Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (i) the distance separation requirement set forth above 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, and from the primary point of ingress to the contemplated location from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of the ownership of property or Permittee.

(f) Class A Microbusinesses 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.

Sec. 18. Designated Consumption Establishments.

(a) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance.

(b) Designated Consumption Establishments shall be limited to Downtown Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

(c) Designated Consumption Establishments shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.

(d) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.

(e) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

(f) Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (i) the distance separation requirement set forth above 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, and from the primary point of ingress to the contemplated location from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of the ownership of property or Permittee.

(f) A Designated Consumption Establishment shall:

(1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;

(2) Prominently display a sign near the entrance of the business which carries the following warning:

WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

Sec. 19. Marihuana Business Co-Location and Stacking.

(a) Separate Marihuana Business grower, processor, retailer, Class A microbusiness, and designated consumption establishment uses, shall be permitted to operate at the same location subject to permit approval for each use from the City. Establishments operating at the same location must have permit approval for each Marihuana Business type and use described above.

(b) Consistent with the MRTMA and the Rules, applicants for Class C grower permits shall be allowed to stack and receive multiple Class C grower permits, and to operate under each permit in a single establishment.

Sec. 20. Transfer of Location Prohibited; Transfer of Ownership and Assets.

(a) Transfer of Location Prohibited. Permittees may not transfer a permit issued under this ordinance to a different location.

(b) Transfer of Ownership or Assets. Permittees may apply to the Clerk to transfer ownership or assets of a permittee's business and the permit issued under this ordinance to a different individual or entity, subject to receiving in advance written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. In order to request City approval to transfer ownership or assets and a permit to a different individual or entity, the permittee must make a written request to the Clerk, indicating the current permittee and the proposed permittee. The proposed permittee shall submit a complete application to the Clerk, and the Clerk shall grant the request so long as the proposed permittee meets all requirements outlined in this Ordinance and the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

(c) With submission of a complete transfer of ownership or assets application, the proposed permittee for an ownership or asset transfer shall pay a nonrefundable application fee of \$5,000.00, in order to offset costs of the City associated with review of the proposed permittee's qualifications for a permitted marihuana business operation.

Sec. 21. Permits Generally

(a) Permittees shall report any material change in the required information to the Clerk within twenty four (24) hour and shall report any non-material change in the required information to the Clerk within ten (10) business days of the change. Failure to do so may result in a fine, suspension or revocation of the license.

(b) Permit approval shall not be effective, and no Marihuana Business may operate, unless the Marihuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marihuana Business has zoning approval for such use, and the proposed final site plan and special land use has been approved by the Planning Commission.

Sec. 22. Term of Marihuana Business Permit.

(a) Approval of a permit shall be for a period of one calendar year subject to continued compliance with this ordinance, the City Code, MRTMA and the Rules.

- (b) Each permit for that current year shall be displayed in a conspicuous spot in the location.
- (c) A permittee shall remove any expired permit on display and replace it with the current permit. A permittee shall not attempt nor act in any fraudulent manner in regard to the display of any permit.

Sec. 23. Closing of Marihuana Business.

- (a) A permittee that closes a Marihuana Business must comply with the requirements issued by the Michigan Cannabis Regulatory Agency.
- (b) Within thirty (30) days of a permittee ceasing operations, written notification must be provided to the City Clerk. (c) The permittee shall furnish to the City a current forwarding address, phone number and email for all permittees.
- (d) The permittee shall surrender its Marihuana Business permit to the City upon the expiration of the thirty (30) days' notice to the City.

Sec. 24. Annual Marihuana Business Permit Renewal.

- (a) Application for a permit renewal shall be made in writing to the Clerk at least 30 days prior to the expiration of an existing permit. Failure to submit a completed application for renewal of an existing permit along with the required renewal fee to the City Clerk on or before the license expiration date shall be grounds for the revocation or suspension of a permit. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal permit has been obtained.
- (b) An application for permit renewal shall be made under oath on forms provided by the Clerk.
- (c) An application for permit renewal shall be accompanied by a renewal fee of \$5,000.00 for each permit to help defray administrative and enforcement costs of the City associated with the operation of the Marihuana Business.
- (d) Upon receipt of a completed application for renewal of a permit meeting the requirements of this ordinance and payment of the permit renewal fee, the Clerk shall refer a copy of the renewal application to the fire department and the Community Development Department, planning division, and other appropriate City departments and officials for review.

(e) No application for a permit renewal shall be approved unless:

(1) The fire department and the Community Development Department, planning division, and other appropriate departments have, within the past calendar year, inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, planning division, and other relevant departments have confirmed that the location complies with the zoning ordinance.

(3) The permittee possesses the necessary State Operating Licenses in good standing with the Department.

(4) The applicant has operated the Marihuana Business in accordance with the conditions and requirements of this ordinance and the City Code.

(5) The permittee has not been determined to be a public nuisance.

(6) An explanation, with supporting factual data, that the operations of the business have been consistent with the plans submitted with its application for a permit, including the staffing plan and proof of an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(7) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and the positive impact of the social equity plan on local residents.

(9) The City Treasurer has confirmed that the applicant and each stakeholder is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(10) The City has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the criminal background check and security plan.

(11) Unless the applicant shows good cause, the applicant shall demonstrate to the City Clerk that the applicant was open and conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. The term "good cause" shall mean substantial grounds, such as an emergency, fire damage, or other unforeseeable circumstances that prevented the applicant from conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. Economic or financial decisions, or inability to secure capital or financial resources that prevented an applicant from conducting business for a minimum of twenty (20) hours per week during the prior year shall not be good cause.

(f) If written approval is given by each department or entity identified in this section, and the Clerk determines that the applicant has satisfied subsections (a), (b), (c), (d) and (e) of this Section, then the Clerk shall renew the permit of the applicant.

Sec. 25. Denial, Nonrenewal, Suspension, or Revocation of Marihuana Business Permit; Basis for Action; Appeal.

(a) Each Marihuana Business within the City for which a permit is granted shall be operated and maintained in accordance with all applicable City, State and federal laws, rules, and regulations. Any permit issued under this Ordinance may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension of a permit

must be provided to the permittee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the application or any address provided to the Clerk in writing subsequent to the filing of an application. The Clerk shall notify an applicant of the reasons for denial of an application for a permit, for permit renewal, or for suspension or revocation of a permit, or any adverse decision under this ordinance and provide the applicant or permittee an administrative hearing with the opportunity to be heard.

(b) In addition to any other reasons set forth in this ordinance, the City may refuse to issue a permit, may refuse to grant renewal of a permit, and may suspend or revoke a permit pursuant to Pontiac City Ordinance sections 1-24 or for any of the following reasons:

- (1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;
- (2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;
- (3) Failure of the permittee to obtain or maintain a State License or approval pursuant to MRTMA and MMFLA;
- (4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;
- (5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;
- (6) Failure of the permittee to maintain the property causing a blighted or other condition in violation of any City ordinance, including but not limited to, Ord. No. 2355, 8-9-18, or in violation of any state law, including but not limited to, MCL 125.538 to 125.542.
- (7) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marihuana Business. This cure period does not apply to scoring of initial applications for

Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment permits;

(8) Violation of any State law applicable to Marihuana Businesses.

(9) Failure to obtain or maintain a certificate of occupancy from the Building Department;

(10) Failure of the permittee to obtain or maintain a permit or to renew a permit from the City Clerk; or

(11) The establishment's approved site plan is determined to be in substantial violation by the City.

(c) Appeal of denial of an application, denial of renewal, or revocation or suspension of a permit: Any applicant or permittee aggrieved by the denial, non-renewal, suspension or revocation of a permit or adverse decision under this ordinance may appeal to the Clerk, by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed or e-mailed to the applicant or to permittee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall appoint a hearing officer to hear and evaluate the appeal and make a written recommendation and report to the Clerk. The Clerk shall review the report and recommendation of the hearing officer and issue a written decision. The Clerk's decision may be appealed to the Marihuana Business Commission by filing an appeal in writing to the Marihuana Business Commission no later than thirty (30) days after the Clerk's decision. The review on appeal of a denial, non-renewal, suspension, or revocation or adverse action shall be by the Marihuana Business Commission pursuant to this ordinance. The Marihuana Business Commission shall overturn a decision or finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and/or not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding. Any decision by the Marihuana Business Commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional consultants to assist with the review and scoring of applications under this section.

(d) Following the denial of a permit to an applicant for a retailer permit, social equity retailer permit, Class A microbusiness permit or designated consumption establishment permit, and any subsequent appeal during the recommendation and issuance process, the Clerk may move to

recommend the application with the next highest number of scoring points as determined in the application process to be awarded a permit.

(e) The City Clerk shall notify the Michigan Cannabis Regulatory Agency of all renewal applications which are renewed or denied, and all permits that are suspended or revoked.

(f) A permittee whose renewal application is denied, must submit a new application as a new applicant.

Sec. 26. Penalties; temporary suspension of a permit.

(a) The City may require an applicant or permittee of a Marihuana Business to produce documents, records, or any other material pertinent to the investigation of an applicant or permittee or to an alleged violation of this Ordinance or state law and rules. Failure to provide the required material may be grounds for application denial, or permit suspension or revocation.

(b) Any person in violation of any provision of this Ordinance, including the operation of a Marihuana Business without a permit shall be responsible for a civil infraction and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this Ordinance "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any twenty-four (24) month period. Unless otherwise specifically provided in this Ordinance, the penalty schedule is as follows:

- (1) Five Hundred Dollars (\$500), plus costs, for the first violation;
- (2) One Thousand Dollars (\$1,000), plus costs, for a repeat violation;
- (3) Three Thousand Dollars (\$3,000), plus costs for any repeat violation that continues for more than one day.

(c) The City may temporarily suspend a Marihuana Business permit without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(d) If the City temporarily suspends a permit without a prior hearing, the permittee is entitled to a hearing within thirty (30) days after the suspension notice has been served on the permittee or posted on the permitted premises. The hearing shall be limited to the issues cited in the suspension notice.

(e) If the City does not hold a hearing within thirty (30) days after the date the suspension was served on the permittee or posted on the permitted premises, then the suspended permit shall be automatically reinstated and the suspension vacated.

(f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

Sec. 27. Severability Clause.

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Sec. 28. Effective Date.

This Ordinance shall become effective: (a) 30 days following the date of adoption, (b) the effective date of the amendment to ordinance #2360 (removing the prohibition of marihuana establishments); or (c) the effective date of the zoning code text amendments permitting Adult-Use Marihuana Business land uses, whichever is later.

Sec. 29. Publication.

#5

ORDINANCE

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC**

ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CONDITIONALLY REZONE THE ZONING CLASSIFICATIONS FOR SPECIFIC PARCELS ON WOODWARD AVE.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefore, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal descriptions shall be rezoned as follows:

1. Existing C-0 Residential Office parcels to C-1 Local Business;
2. Existing R-1 One Family Dwelling parcels to C-0 Residential Office with CR Conditional Rezoning.

LOTS 118 AND 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC (NOW CITY OF PONTIAC), ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF PLATS, PAGE 2, OAKLAND COUNTY RECORDS, ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, THE VACATED ALLEY ADJACENT TO SAID LOTS, 1/2 OF VAC ALLEY ADJACENT TO LOTS 9 AND 10, ALL IN BLOCK 1 AND THAT PORTION OF HOVEY STREET (50 FEET WIDE) OF THE MAP OF TREGENT AND STOCKWELL'S PLAT OF PONTIAC MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 4 OF PLATS, PAGE 34, OAKLAND COUNTY RECORDS AND LOCATED IN THE NORTHWEST

1/4 OF SECTION 33, T. 3 N., R.E 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET (60 FEET WIDE) AND THE EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE (WIDTH VARIES); THENCE N. 87°07'52" E. 656.45 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CENTER STREET (60 FEET WIDE); THENCE S. 03°00'48" E. 155.00 FEET (RECORD AND MEASURED) TO A POINT ON THE NORTHERLY LINE OF LOT 10 IN SAID TREGENT AND STOCKWELL'S PLAT; THENCE S. 87°06'04" W. 122.49 FEET ALONG SAID NORTH LINE OF LOTS 10 AND 9 TO A POINT ON THE WESTERLY LOT LINE OF SAID LOT 9; THENCE S. 02°44'37" E. 140.07 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK PLACE (89 FEET WIDE); THENCE S. 87°04'08" W. 211.50 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HOVEY STREET; THENCE S. 02°23'32" E. 6.61 FEET; THENCE S. 87°07'38" W. 115.00 FEET; THENCE N. 02°23'26" W. 38.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC; THENCE ALONG SAID LINE S. 87°07'31" W. 207.75 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE; THENCE N. 02°52'55" W. 264.00 FEET (MEASURED AND RECORD) ALONG SAID EASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

Section 2. Repealer and Severability.

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2023, after a public hearing as required pursuant to the

Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Section 4. Conditional Rezoning Agreement

A Conditional Rezoning Agreement shall be entered between the City and the Developer to ensure that the conditions placed upon the approval of the rezoning request are met by the Developer. The Mayor shall be granted the authority to execute said Conditional Rezoning Agreement which shall be recorded with the Register of Deeds.

ORDINANCE DECLARED ADOPTED.

Tim Greimel, Mayor
City of Pontiac, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on _____ day of _____, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: _____

Members Absent: _____

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes: _____

Members voting no: _____

Members abstaining: _____

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Pontiac City Council

FROM: Dick Carlisle, AICP, Planning Consultant for the City
Mark Yandrick, Planning Manager

DATE: February 8, 2023, Updated March 17, 2023

RE: Request for Zoning Map Amendment (ZMA-22-011)
Lighthouse Campus Plan
46156 Woodward Ave.

Executive Summary

Lighthouse MI, at 46156 Woodward, proposes a rezoning for their headquarters and adjacent parcels to the east between Woodward Avenue and Center Street. The rezoning for the western half to Local Business (C-1) and the eastern half to Office Business (C-0) allows the property owner to incorporate some additional uses into their campus, including a grocery store and community service facility.

Planning Commission reviewed the proposal during a public hearing at their Wednesday, March 1, 2023 meeting and recommended approval to City Council, 4-0.

City Council adopted the first reading at their February 16th meeting. Since the meeting, City Administration met with the Lighthouse MI team and they have offered one condition of approval with this rezoning request.

Proposal

James Pappas, Fusco, Shaffer & Pappas, on behalf of Lighthouse, submitted a concept drawing for preliminary site plan approval in October 2022. As depicted in the preliminary site plan, the organization is seeking to expand an existing service location into a multi-use campus. To move forward with this plan, the applicant has requested to make the following changes to zoning, as seen in the table below:

Exhibit A: Zoning of lots and surrounding areas.



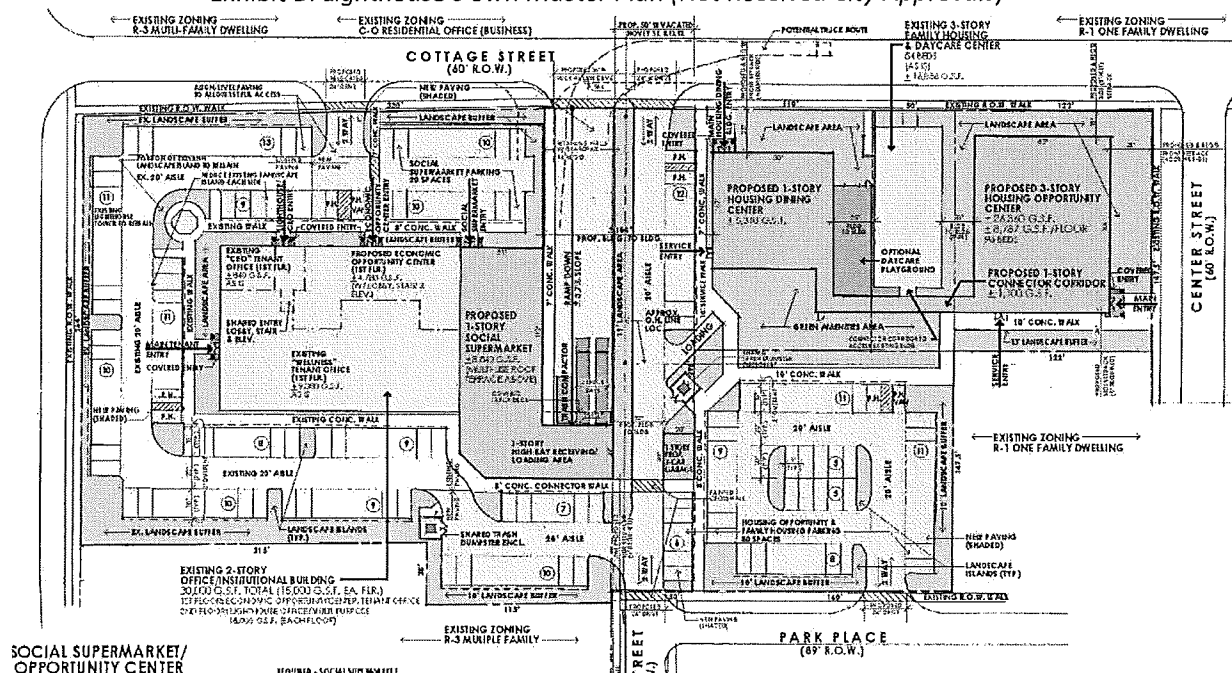
Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*
Laura K. Kreps, *Senior Associate* Paul Montagno, *Senior Associate* Megan Masson-Minock, *Senior Associate*

Table 1.0, Zoning Map Amendment Request

Parcel Number(s)	Current Zoning	Requested Change
14-33-151-019 West of Hovey Street	C-0	C-1
14-33-152-001 14-33-152-002 14-33-152-003 14-33-152-004 14-33-152-005 14-33-152-006 14-33-152-007 14-33-152-008 East of Hovey Street	R-1	C-0

The City of Pontiac Master Plan establishes future land use categories that are consistent with Lighthouse's proposed development. The Master Plan designates the west side of the proposed campus as an "Office/Hospital/Healthcare District" and the east side of the campus as a "Traditional Neighborhood Residential District." Both future land use categories encourage flexibility. They would permit offices, residences, and neighborhood institutions where proposed.

Exhibit B: Lighthouse's own Master Plan (Not Received City Approvals)



The applicant proposes to re-zone the majority of the area, west of Hovey Street, to C-1, Local Business/Residential Mixed Use. Indoor retail sales, a proposed use that is indicated by the "Social Supermarket," are not permitted in the C-O designation, which the subject site is currently zoned. Further, the applicant

proposes to re-zone the parcels east of Hovey Street to C-0, Residential Office. This change would allow a mix of residential with non-residential uses and is therefore consistent with the preliminary site plan.

The applicant will need to apply for a Site Plan for this project, which will be contingent on the rezoning of these subject properties.

Conditions of Zoning Map Amendment (Update March 17, 2023)

While Planning Commission recommended the approval of this zoning map amendment without conditions, City Administration had a meeting with the Lighthouse team. While the City administration expressed support for Lighthouse's proposal, there was concern if the property was ever sold or re-purposed with a future owner. Lighthouse MI has agreed with the attached letter that if Lighthouse MI ever sold the property (ies) or the majority ownership relinquished of their properties east of Hovey Lane, these property (ies) would revert back to the original zoning, R-1. Depending on the future use, a future property owner or business would need to apply for a new rezoning or conditional rezoning. This allows the City to assess the future proposal and have control if additional site requirements, such as parking, landscaping, or traffic control methods are needed to adequately protect surrounding properties and neighborhoods.

Exhibit C: Area of Conditional Rezoning



Staff Recommendation

Based on our analysis of the applicant's request, staff recommended approval to Planning Commission in their consideration of proposed changes to the districts' zoning.

Planning Commission Recommendation

Planning Commission reviewed the Zoning Map Amendment in a public hearing at their Wednesday, February 1st meeting. They discussed the scope of the project, and the impact to the surrounding area, and noted that the proposed improvements would not be very noticeable to the Woodward Avenue

corridor as the front section of the development along Woodward would be unchanged. Planning Commission recommended approval of the Zoning Map Amendment to City Council 4-0

With the attachment draft agreement, 2023, staff proposes if City Council wishes to approve this ordinance, that one condition of approval be considered.

1. The conditional rezoning for the following eight (8) parcels listed below to be rezoned to the Office Business (C-0) zoning district is contingent upon Lighthouse MI maintaining ownership or majority ownership of the property or properties. If for some reason Lighthouse MI relinquishes complete or majority ownership of the referenced parcels, they revert back to the original zoning, R-1.

#64-14-33-151-007

#64-14-33-152-005

#64-14-33-152-007

#64-14-33-152-002

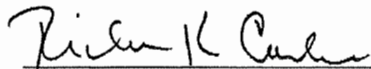
#64-14-33-152-008

#64-14-33-152-004

#64-14-33-152-001

#64-14-33-152-003

Sincerely,



CARLISLE/WORTMAN ASSOC., INC
Richard K. Carlisle, FAICP
Past President/Senior Principal

Edits by; Mark Yandrick, Planning Manager

**CITY OF PONTIAC
CONDITIONAL REZONING AGREEMENT**

This Conditional Rezoning Agreement (the “**Agreement**”) is made this ____ day of _____, 2023, by and between THE CITY OF PONTIAC, a Michigan Municipal Corporation, with its offices located at 47450 Woodward Ave., Pontiac, MI 48342 (the “**City**”), and Lighthouse MI, a Michigan nonprofit corporation (“**Lighthouse**”) with its principal office located at 46156 Woodward Ave., Pontiac, MI 48342.

THE PARTIES RECITE THAT:

WHEREAS, Lighthouse owns certain parcels of real property located within the City of Pontiac, which are commonly described as follows:

Table A1:

Vacant Lot- Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-151-007	17-19 Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-152-005
9 Park Place, Pontiac, MI 48342 Tax ID: #14-33-152-007	80 Cottage Street, Pontiac, MI 48342 Tax ID: #14-33-152-002
15 Park Place, Pontiac, MI 48342 Tax ID: #14-33-152-008	130 Center Street, Pontiac, MI 48342 Tax ID: #14-33-152-004
11-13 Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-152-001	86 Cottage Street, Pontiac, MI 48342 Tax ID: #14-33-152-003

WHEREAS, Lighthouse seeks re-zoning of a portion of the referenced parcels only, as shown on **Exhibit A**. The parcels where rezoning is sought shall be referred to herein as the “Property.” The Property is currently zoned as follows and the legal descriptions for the Property are on **Exhibit A** attached hereto:

Table A2:

Parcel Number(s)	Previous Zoning District	Rezoned to the following Zoning District:
14-33-152-001 14-33-152-002 14-33-152-003 14-33-152-004 14-33-152-005 14-33-152-006 14-33-152-007 14-33-152-008	One Family Dwelling District (R-1)	Office Business (C-0)

WHEREAS, under and pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, as amended (codified at MCL §125.3405 *et seq*), certain conditions voluntarily offered by the owner of land, including an agreement between the City and the Lighthouse, may become a condition of rezoning of the Property; and

WHEREAS, Lighthouse submitted the Application for Rezoning, which was supplemented by a letter providing an Offer of Conditions on March 9, 2023, attached as **Exhibit B** (collectively “**Application**”), voluntarily offering, in writing, certain conditions to rezone the Property as set forth in the table above, subject to the conditions of this Agreement; and

WHEREAS, the City Planning Commission on February 1, 2023, held a Public Hearing on the request for Conditional Rezoning and proposed amendment to the City’s Zoning Map Ordinance; and

WHEREAS, the City Council on [REDACTED], voted to approve this Conditional Rezoning Agreement and adopted Ordinance No. [add Ordinance number] to amend the City’s Zoning Map Ordinance based upon the conditions set forth in this Agreement and the attached Exhibits;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and the Lighthouse agree as follows:

1. CONDITIONAL REZONING, PROJECT DEVELOPMENT, AND CONDITIONS AND EXCEPTIONS TO USE OF PROPERTY

A. **Conditional Rezoning.** Consistent with MCL §125.3405, the Property has been conditionally rezoned from the classification of One Family Dwelling District (R-1) to a zoning classification of Office Business (C-0) as set forth in table A2 above, with conditions as approved by the City Council based upon Lighthouse's Letter of March 9, 2023 with an Offer of Conditions, subject to and in accordance with this Agreement, unless this Agreement is amended by mutual agreement of the City and Lighthouse, following public hearing, or unless Lighthouse determines to use the Property in accordance with the zoning applicable to the Property under and in accordance with the termination provisions set forth herein. Lighthouse and future owners of the Property shall not develop and use the Property in a manner inconsistent with this Agreement.

B. **Project Definition.** The Project shall be based on Lighthouse's Site Plan Approval Application Submittal Package that is to be submitted subsequent to the approval and execution of this Agreement and is a condition of this Agreement as more fully set forth below. Except as modified herein or pursuant to any variances or deviations approved by the City, the Property shall remain subject to all other zoning and use district regulations of the City Zoning Ordinance, for property zoned Office Business (C-0), as applicable in accordance with the zoning of each respective parcel as set forth in Table A1 and A2 above, and as limited by Lighthouse's Offer of Conditions, and shall remain subject to all other requirements of the City's building, zoning, and other land use regulations.

C. **Offered Conditions.** The Lighthouse has voluntarily offered the following condition in consideration for the City's granting of the rezoning:

- i. In the event Lighthouse remises, releases, alienates, and conveys majority ownership of the parcels listed herein, the rezoned parcels as set forth in table A1 and A2 above shall revert to their previous zoning classification of One Family Dwelling District (R-1).
- ii. The following actions by Lighthouse shall not meet the requirement of a conveyance of majority ownership and shall not result in a reversion to the previous zoning classification: (1) Lighthouse completes a merger with a 3rd party entity; (2) Lighthouse completes a name change; (3) Lighthouse relinquishes ownership to an entity that is partially controlled or partially owned by Lighthouse; or (4) Lighthouse remises, releases, alienates, and conveys ownership in the Property to a 3rd Party that does not result in relinquishment of Lighthouse's ownership interest of the Property to any 3rd Party(s).

D. **Acknowledgement.** Lighthouse hereby acknowledges that the rezoning with conditions was proposed by Lighthouse to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the

terms spelled out in the conditional rezoning agreement; and, Lighthouse further agrees and acknowledges that the conditions and this Agreement are authorized by all applicable state and federal laws and the Michigan constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City. Lighthouse further represents and warrants that it agrees to all of the following:

- i. That the property in question shall not be developed or used in a manner inconsistent with this Agreement.
- ii. That each of the requirements and conditions set forth in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
- iii. Nothing in this Agreement shall be construed as replacing the requirement for Lighthouse to obtain preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as applicable.

2. **PERIOD OF APPROVAL.** Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

A. **Expiration.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and this Agreement shall be void and of no effect. Lighthouse may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the two (2) year time limit expires. Lighthouse must show good cause as to why the extension should be granted.

B. **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established. Either or both of the following actions may be taken:

- i. Lighthouse may seek a new rezoning of the property and the City may approve same; and/or

- ii. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

C. **Extension.** If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.

D. **Continued Full Force and Effect.** If Lighthouse commences bona fide development of the property as set forth in Sec. 2(A), within two years from the date of this Agreement, this Conditional Rezoning approval shall have continued full force and effect, consistent with the terms and conditions of this Agreement.

3. **RECORDATION.** This Agreement shall become effective following publication in the manner provided by law and recording of the Agreement with the County Register of Deeds.

4. **DEFAULT.** If development and/or actions are undertaken on or with respect to the property are in violation of this Agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with this Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance. In the event that the Lighthouse defaults on the condition(s) of this Agreement, then, the City may, at its option and within its sole discretion, terminate this Agreement. In the event that this Agreement is terminated by written notice given by the City to the Lighthouse within three (3) months following such failure by the Lighthouse, the City may, at its option and within its sole discretion, declare the Property to revert back to its previous Zoning District(s) and terminate the approval of any Site Plan for the Project.

5. **ENTIRE AGREEMENT.** This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the City and the Lighthouse concerning the Project as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

6. **RELATIONSHIP OF THE PARTIES.** The relationship of the City and the Lighthouse shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the City and the

Lighthouse, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

7. **MODIFICATION.** This Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the City and Lighthouse.

8. **MICHIGAN LAW TO CONTROL.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

9. **DUE AUTHORIZATION.** The City and Lighthouse each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the City, its City Board and all other governmental agencies whose approval may be required as a precondition to the effectiveness hereof, and as to Lighthouse, by its board of directors, and that the persons who have executed this Agreement below have been duly authorized to do so. The parties hereto agree to provide such opinions of counsel as to the due authorization and binding effect of this Agreement and the collateral documents contemplated hereby as the other party shall reasonably request.

10. **SUCCESSORS AND ASSIGNS.** The approval of the terms, provisions, and conditions of this Agreement are for the benefit of the Property and shall run with the Property and shall bind and inure to the benefit of the parties to this Agreement and their respective successors, assigns, and transferees.

11. **NO PERSONAL LIABILITY.** The obligations hereunder of the City and the Lighthouse shall constitute solely the obligations of the respective entities to be satisfied solely from their respective assets, and no officer, Board member, agent, employee or partner of any of said entities shall have any personal obligation, responsibility or liability for the performance of the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

[SIGNATURES COMMENCE ON NEXT PAGE]

SIGNED:

CITY OF PONTIAC:

By: Tim Greimel
Its: *Mayor, City of Pontiac*

STATE OF MICHIGAN)
) ss.
COUNTY OF)

The foregoing Conditional Rezoning Agreement was acknowledged before me, a Notary Public, on this ____ day of March, 2023, by Tim Greimel, the Mayor of the City of Pontiac, a Michigan public body corporate, on behalf of said public body.

Name: _____
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in _____ County, Michigan

SIGNED:

LIGHTHOUSE MI:

By: Ryan Hertz
Its: President & CEO

STATE OF MICHIGAN)
) ss.
COUNTY OF)

The foregoing Conditional Rezoning Agreement was acknowledged before me, a Notary Public, on this ____ day of March, 2023, by Ryan Hertz, the President and CEO of Lighthouse MI, a Michigan nonprofit corporation, on behalf of corporation.

Name: _____
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in _____ County, Michigan

Approved as to Form:

By: _____
Its: _____

After recording, return to:

Rochelle E. Lento, Esq.
Dykema Gossett PLLC
400 Renaissance Center
Detroit, MI 48243

EXHIBIT A

(Legal Description)

EXHIBIT B

Copy of Application for Conditional Rezoning

(See following pages)

Exhibit A

AS SURVEYED LEGAL DESCRIPTION

To be added according with the map provided in the agreement and the parcels included this agreement.

Exhibit B

BOARD OF DIRECTORS

Richard Lewnow, Chair
Jackie Buchanan, Vice Chair
Jonathan Burleigh, Treasurer
Dennis Blondus, Secretary

Rachael Allen
Jim Cirali
Lamonte Harris
Chanel Hampton
John Harvey
James Lambrecht
Senjo Lengstak
Hoery Maisel
William Mott
Calleen Ochoa-Peters
Paul Plante
Jacqui Spicer
Susan Welton
Susan Cooper, Emeritus

Ryan B. Hertz
President & CEO

March 9, 2023

Re: Conditional rezoning pertaining to proposed Lighthouse MI Campus Redevelopment project

To Whom It May Concern,

Lighthouse MI would be agreeable to the conditional rezoning changes for the following parcels east of Hovey Street as listed below:

Vacant Lot- Hovey #14-33-151-007	17-19 Hovey #14-33-152-005
9 Park Place #14-33-152-007	80 Cottage #14-33-152-002
15 Park Place #14-33-152-008	130 Center #14-33-152-004
11-13 Hovey #14-33-152-001	86 Cottage #14-33-152-003

If Lighthouse MI continues ownership and/or control of said parcels the above described properties will maintain the requested rezoning approval which would be C-O. If for some reason Lighthouse MI relinquishes complete ownership of the above referenced parcels, they revert back to the original zoning as of the date of this letter. A change shall not be in effect if Lighthouse MI merges, completes a name change, relinquishes ownership to an entity controlled by Lighthouse MI or completes a partial ownership change. Said condition is if/when Lighthouse MI relinquishes full ownership.

Sincerely,



Ryan Hertz, MSW
President & CEO



FUSCO, SHAFFER & PAPPAS, INC.
ARCHITECTS AND PLANNERS

LETTER OF TRANSMITTAL

TO: City of Pontiac
Land Use & Planning Department
47450 Woodward Ave.
Pontiac, MI 48342

DATE: December 09, 2022
PROJECT: Lighthouse
Pontiac Campus-Rezoning/
Zoning Map Amendment Review Submission

ATTN: Mr. Mark Yandrick-City Planner

WE ARE SENDING YOU VIA:

- ☐ U.S. Mail
☐ Hand Delivery
☐ Pick Up
☐ UPS
☒ Other -email Submit Package

THE FOLLOWING ITEMS:

- ☒ Drawings
☐ Specifications
☐ Samples
☐ Shop Drawings
☐ Product Information
☐ Correspondence
☐ Sketches
☐ Change Order
☒ Other-Application/Docs

COPIES	DATE	DESCRIPTION
1	12-09-22	Re-Zoning Submission Campus Master Plan
1	12-09-22	Application for Zoning Map Amendment (Completed/ Signed)
1	12-09-22	Zoning Map Amendment Review Fee (copy)-actual check under separate cover
1	12-16-22	Re-Zoning Request Narrative (under separate cover by December 16, 2022)
1	12-22-22	Legal Description (under separate cover by December 22, 2022)

THESE ARE TRANSMITTED:

- ☐ For Your Use
☐ As Requested
☒ For Review and Comment
☐ Please Return ___ Copies to This Office
☒ Other PC Rezoning Review

RETURN TO CONTRACTOR:

- ☐ Rejected
☐ Make Corrections
☐ Make Changes Noted
☐ Resubmit
☒ Review Completed-Comments

REMARKS: Please process this package for the January, 2023 Planning Commission Hearing for
Re-zoning and Zoning Map Amendment Review, if possible. Thank you.

cc: Todd Burk - Lighthouse
Ryan Hertz - Lighthouse
Jenny Poma - Lighthouse
Joe Heaphy-Ethos
Dan Haezbrouck - FSP Inc.
Jim Pappas- FSP Inc.
Julian Wargo-Zemet /Wozniak


Steve Roffi
Designer

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 46156 Woodward Ave.

Sidwell Number: See List Below

Office Use Only

PF Number: _____

Date:

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least **30 days** prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	James Pappas, President - Fusco, Shaffer & Pappas, Inc.		
Address	550 East Nine Mile Rd.		
City	Ferndale		
State	Michigan		
ZIP Code	48220		
Telephone	Main: (248)-543-4100	Cell:	Fax: (248)-543-4141
E-Mail	jpappas@fsparch.com		

Project and Property Information

Name of Proposed Development: Lighthouse Campus Master Plan

The subject property is location at 46156 Woodward Ave. on the N / S / E / W side of Woodward Ave. between Cottage St. and Park Place.

The property is zoned: C-0 Residential Office, R-3 Multiple-family Dwelling & R-1 One Family Dwelling

Proposed Zoning District: Existing C-0 & R-3 Multiple-family Dwelling Zoning Parcels to-Re-Zone to C-1, Existing R-1 Zoning Parcels to Rezone to C-0

It is proposed that the property will be used as: Continued use of existing buildings as Office and Family Housing Opportunity Center. The Economic Opportunity Center and Social Supermarket will be Added to the Campus.

The subject property is legally described as follows (include sidwell numbers): 14-33-151-019, 14-33-151-007, 14-33-152-001, 14-33-152-002, 14-33-152-003, 14-33-152-004, 14-33-152-005, 14-33-152-006, 14-33-152-007, 14-33-152-008, Hovey St. Right -of-way, to be vacated between Cottage St. and Park Place.

Property Owner Information

Name	Lighthouse		
Address	46156 Woodward Ave.		
City	Pontiac		
State	Michigan		
ZIP Code	48342		
Telephone	Main: (248) 920-6000	Cell: (248) 330-1070	Fax:
E-Mail	todd@lighthousemi.org		

Are you the ☒ Owner _____ Agent/rep. of the owner _____ Other _____

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).

Continued use of existing building as an Office and Family Housing Opportunity Center. The Economic Opportunity Center and Social Supermarket will be added.

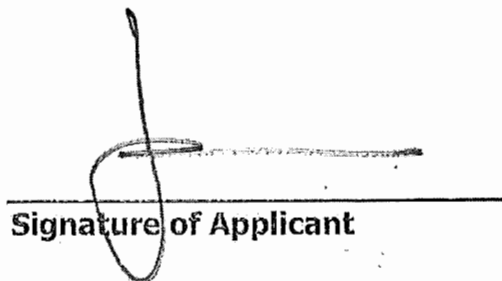
State the reason for the Zoning Map Amendment, particularly the manner in which the City will benefit if the amendment is approved and why such change will not be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

Lighthouse has owned & operated the existing offices & housing with services use & has been established for over 20 years at this location. The proposal is meant to consolidate the current campus while improving the existing housing and services. This will not significantly change use of this property and will not be detrimental to the public. See attached Campus Master Plan.



Signature of Owner

TODD BURK CHIEF REAL ESTATE OFFICER
For SOS DBA Lighthouse MI



Signature of Applicant

State of Michigan
County of Oakland

On this _____ day of _____, A.D., 20____, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.

Notary Public, Oakland County, Michigan
My Commission Expires: _____

SOUTH OAKLAND SHELTER
18505 W 12 Mile Rd

Check Date: 12/08/2022
Check Number: 40582

To: CITY OF PONTIAC
DEPT 3111
PO BOX 33661

Invoice Number	Date	Description	Amount	Discount	Net Amount
00127541	12/06/2022	INVOICE - CITY OF PONTIAC	\$1,650.00	\$0.00	\$1,650.00
		Totals:	\$1,650.00	\$0.00	\$1,650.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER.

Huntington Bank

SOUTH OAKLAND SHELTER
18505 W 12 Mile Rd
Lathrup Village, MI 48076-2676

CHECK DATE	CHECK NO.
12/08/2022	40582
CHECK AMOUNT	

PAY **One thousand six hundred fifty and 00/100 Dollars**

\$ ** 1,650.00

TO
THE
ORDER
OF

CITY OF PONTIAC
DEPT 3111
PO BOX 33661
DETROIT, MI 48232-5661



[Handwritten Signature]
[Handwritten Signature]

AUTHORIZED SIGNATURE

⑈040582⑈ ⑆072403473⑆ 01388330420⑈



CONCEPTUAL CAMPUS MASTER PLAN

NOTE: FOR CONCEPTUAL USE ONLY. MUST HAVE CURRENT SURVEY TO CONFIRM ALL TOPS, SITE DATA AND LOT LINES.

1" = 30'-0"

SITE DATA - SOCIAL SUPERMARKET/ ECONOMIC OPPORTUNITY CENTER

ZONING	
EXISTING	C-O RESIDENTIAL OFFICE (BUSINESS)
PROPOSED	C-1 LOCAL BUSINESS/RESIDENTIAL MIXED-USE (PARKING REQUIRED 1:100-1:150)
SITE AREA	
MINIMUM	5,000 S.F. OR 0.24 ACRES
PROPOSED (INCLUDING HOVET VACANT R.O.W.)	170,540 G.S.F. OR 3.94 ACRES
BUILDING FOOTPRINT	
EXISTING OFFICE/INSTITUTIONAL BUILDING	115,000 G.S.F.
PROPOSED SOCIAL SUPERMARKET	55,540 G.S.F.
TOTAL	170,540 G.S.F.
LOT COVERAGE	
ALLOWABLE	N/A
PROVIDED	170,540 G.S.F.
PARKING	
PROPOSED - ECONOMIC OPPORTUNITY CENTER	10 SPACES
OFFICE AREA - 20 CUBICLES	2 SPACES
OFFICE - 400 S.F.	2 SPACES
CLINIC - 110 S.F.	2 SPACES

PROPOSED - SOCIAL SUPERMARKET	
ESTIMATED - 3,400 S.F.	7 SPACES
(1 SPACE / 500 S.F.)	
WATERLOO - 3,400 S.F.	2 SPACES
(1 SPACE / 1,700 S.F.)	
WATERLOO OFFICES - 400 S.F.	2 SPACES
(1 SPACE / 200 S.F.)	
TOTAL	11 SPACES
PROPOSED - OFFICE	
MAIN OFFICE - 7,000 S.F.	28 SPACES
(1 SPACE / 250 S.F.)	
MAIN OFFICE AREA - 7,000 S.F.	18 SPACES
(1 SPACE / 390 S.F.)	
INVESTMENT OFFICE - 40,000 S.F.	54 SPACES
(1 SPACE / 750 S.F.)	
TOTAL	74 SPACES
GRAND TOTAL REQUIRED PARKING	85 SPACES
PROVIDED PARKING (TOTAL)	114 SPACES
BUILDING AREA	
FIRST FLOOR - SOCIAL SUPERMARKET (PROPOSED 3,400 S.F.)	3,400 G.S.F.
FIRST FLOOR - ECONOMIC OPPORTUNITY CENTER (PROPOSED)	55,540 G.S.F.
FIRST FLOOR - INVESTMENT OFFICE (EXISTING)	115,000 G.S.F.
SECOND FLOOR - OFFICE/INSTITUTIONAL BUILDING (EXISTING)	115,000 G.S.F.
TOTAL BUILDING AREA	179,940 G.S.F.
BUILDING HEIGHT	
ALLOWABLE	35 FT.
EXISTING 2 STORY OFFICE BUILDING	(1 STORY) 30 FT.
PROPOSED SOCIAL SUPERMARKET 1ST FLOOR	(1 STORY) 30 FT.

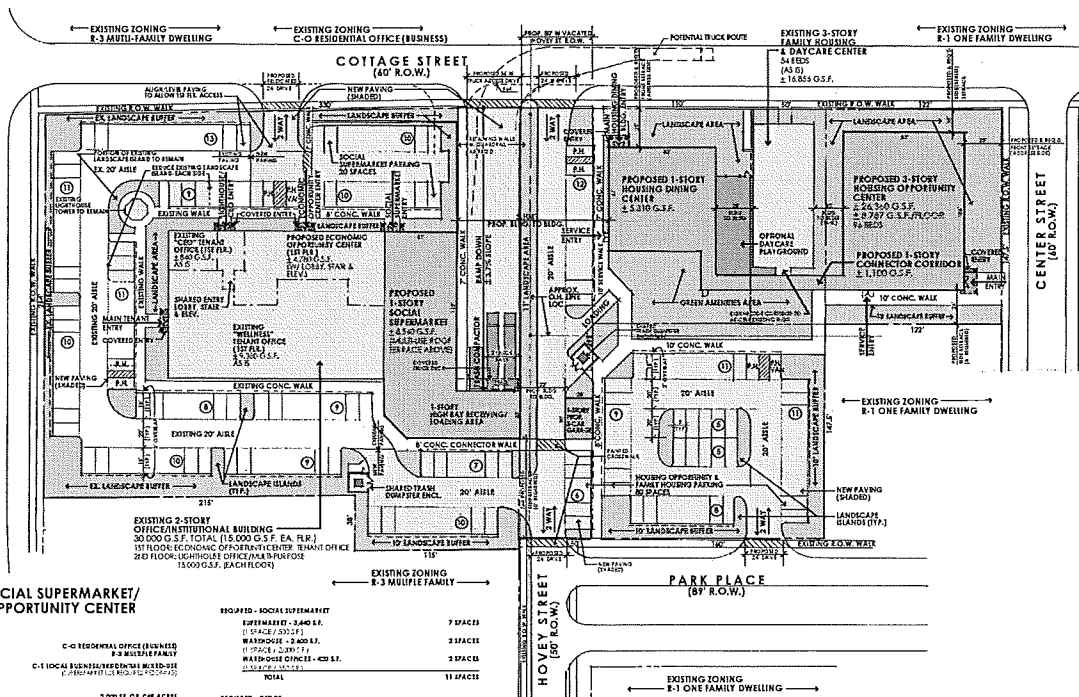
1. ALL INTERIORS AND DIMENSIONS DATA NOTED AS "ESTIMATED" OR "ALLOWED" BASED ON THE C-1 ZONE ZONING REGULATIONS.

SITE DATA - HOUSING OPPORTUNITY CENTER/FAMILY HOUSING

ZONING	
EXISTING	R-1 ONE-FAMILY DWELLING
PROPOSED	C-O RESIDENTIAL OFFICE (BUSINESS)
SITE AREA	
MINIMUM	10,800 S.F. OR 0.24 ACRES
PROPOSED	245,197 G.S.F. OR 5.61 ACRES
SITE WIDTH	
MINIMUM	108 FT.
PROPOSED	282 FT.
BUILDING FOOTPRINT	
EXISTING FAMILY HOUSING/DAYCARE	14,214 G.S.F.
PROPOSED HOUSING OPPORTUNITY CENTER	245,197 G.S.F.
TOTAL	259,411 G.S.F.
LOT COVERAGE	
ALLOWABLE	N/A
PROVIDED	259,411 G.S.F.
PARKING	
REQUIRED - EXISTING FAMILY HOUSING/DAYCARE CENTER	
FAMILY HOUSING - 24 RESIDENTS	18 SPACES
DAYCARE CENTER - 40 CUBICLES	10 SPACES
SUBTOTAL	28 SPACES
REQUIRED - PROPOSED HOUSING OPPORTUNITY CENTER/DINING	
HOUSING OPPORTUNITY CENTER - 24 RESIDENTS	32 SPACES
OFFICE - 1,715 S.F.	4 SPACES
CLINIC - 44 S.F.	1 SPACES
SUBTOTAL	37 SPACES
GRAND TOTAL REQUIRED	65 SPACES
PROVIDED - BIG OFF. CENTER/FAMILY HOUSING/DAYCARE	80 SPACES
PROVIDED - GARAGE	3 SPACES

GRAND TOTAL	
PROPOSED HOUSING OPPORTUNITY CENTER	245,197 G.S.F.
EXISTING FAMILY HOUSING/DAYCARE	14,214 G.S.F.
TOTAL BUILDING AREA	259,411 G.S.F.
BUILDING HEIGHT	
ALLOWABLE	35 FT.
EXISTING FAMILY HOUSING/DAYCARE CENTER	35 FT.
PROPOSED HOUSING OPPORTUNITY CENTER	35 FT. (3-STORY)
PROPOSED HOUSING DINING CENTER	18 FT. (1-STORY)
PROPOSED 3-CAR GARAGE	15 FT. (1-STORY)

NOTE: ALL INTERIORS AND DIMENSIONS DATA NOTED AS "ESTIMATED" OR "ALLOWED" BASED ON THE C-1 ZONE ZONING REGULATIONS.



Mark Yandrick
Planning Manager
myandrick@pontiac.mi.us
248-758-2824



Community Development
Department
Planning Division
47450 Woodward Avenue
Pontiac, MI 48342

February 2, 2023

James Pappas, President, Fusco, Shaffer & Pappas, Inc.
550 East Nine Mile Rd.
Ferndale, MI 48220

Re: Decision of the Planning Commission

Dear James Pappas:

This letter is to inform you of the decision of the Planning Commission that was held on Wednesday February 1st, 2023. Planning Commission made a recommendation, 4-0, in favor of the Zoning Map Amendment for case ZMA22-011.

You will be notified shortly when the application will be on the upcoming City Council agenda.

Please contact the Planning Division of the Community Development Department at (248) 758-2824 or email at myandrick@pontiac.mi.us to discuss the next steps.

Sincerely,

A handwritten signature in black ink that reads "Mark Yandrick". The signature is written in a cursive, flowing style.

Mark Yandrick
Planning Manager

#6

ORDINANCE



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Planning Commission

CC: Mark Yandrick, Planning Manager

FROM: Richard K. Carlisle, FAICP, Planning Consultant to the City of Pontiac

DATE: February 15, 2023

RE: Zoning Map Amendment
204 W. New York Avenue
Tax Parcel ID: 14-08-353-011

Executive Summary:

The applicant, Community Housing Network, is proposing to rezone (Case: ZMA23-001) the site of the abandoned Wever School from R-1 One Family Dwelling to R-3 Multiple Family Dwelling. The site is 3.8 acres in size, located at the northwest corner of Carlisle and New York Ave. The property is currently held by the Oakland County Treasurer.

Planning Commission recommended APPROVAL, 5-0, of the rezoning at the public hearing on March 1, 2023.

Overview / Project Description:

The applicant is Community Housing Network (CHN), "a nonprofit organization committed to providing homes for people in need," which operates in southeast Michigan. The applicant proposes a multiple family residential development to be named Carlisle Townhomes. The existing building will be razed and replaced with forty-two (42) rental townhomes distributed among five (5) buildings. The units will be one- and two- bedrooms with five (5) barrier- free units. An image of the types of building contemplated has been provided. Commissioners should be aware that details of site development may change during site plan review. City Staff discussed the possibility of the applicant offering conditions of approval, such as the rezoning only be for the CHN's ownership, however they request a regular rezoning.

Figure 1 – Aerial View of Site

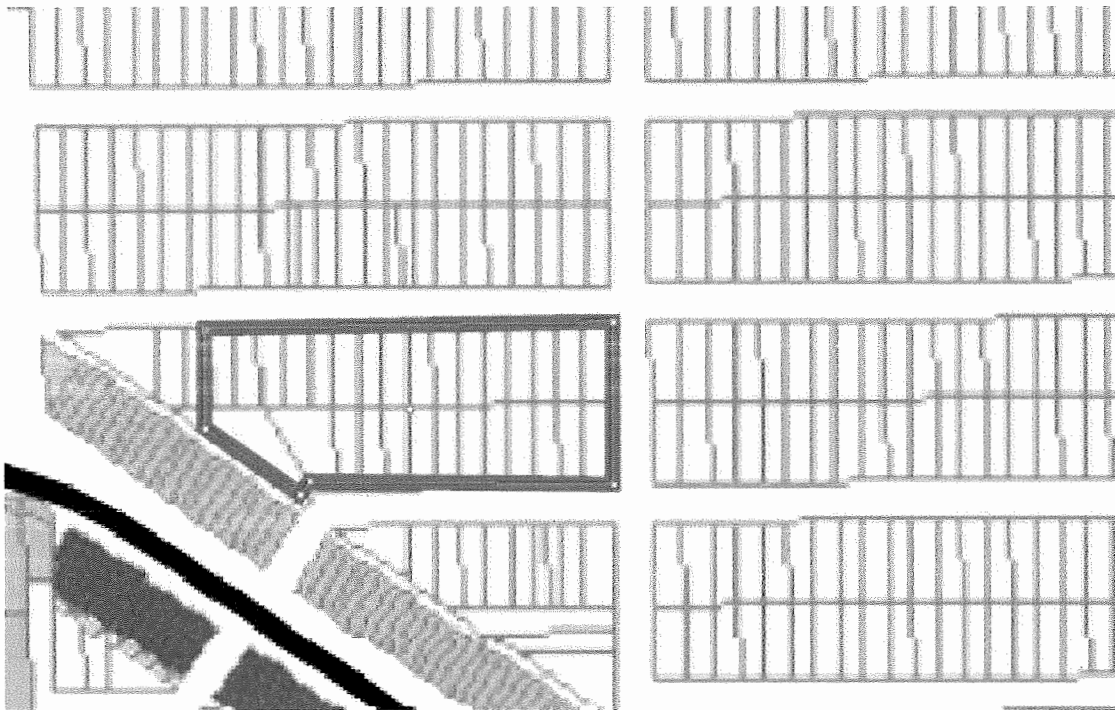


What shows up on the map as Moriah Baptist Church Detroit is the vacant Wever School building. Perhaps the church used the building at one point. Below is View from Carlisle Street (New York St. would be to the left).

Figure 2 – Street View from Carlisle Street



R-1 Single Family Dwelling



The subject site and surrounding area is zoned R-1 One Family Dwelling. The frontage along Walton is zoned commercial.

6.804 Criteria for Amendment of the Official Zoning Map

- A. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

Comments: The City's Master was adopted October 7, 2014. There are three goals of particular significance to this project:

1. Strengthen existing residential neighborhoods.
2. Providing new, diverse housing choices.
3. Ensure that residential redevelopment and new infill developments complement and enhance the character of the existing neighborhoods and have a positive effect on property values.

Furthermore, the subject site and surrounding area is designated as Traditional Neighborhood Residential which contemplates duplexes, row houses, townhomes and detached single family homes. Therefore, the subject rezoning is consistent with the City's Master Plan.

- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.

Comments: The site is a former school. Aside from the building, the site it is largely open with few significant natural features.

- C. Evidence the applicant cannot receive a reasonable return on Investment through developing the property with one (1) or more of the uses permitted under the current zoning.

Comments: Infill projects that include major demolition, which is the case here, need a certain level of density to make the project feasible. It is especially true when the end goal is to provide affordable housing.

- D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

Comments: Although the surrounding area is largely single family, the school has been vacant for some time, which cannot be positive to a neighborhood. However, the Planning Commission and applicant should strive to ensure that the ultimate development contains features (building design and materials, open space, landscaping, etc.) that benefit the surrounding neighbors. These are details that will be discussed during the site plan review process.

- E. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

Comments: The site is served with public utilities and services. We will defer to the City Engineer to comment further on the adequacy of those services.

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

Comments: The site has good accessibility from adjacent streets which include Carlisle, New York, and Chicago. All provide excellent accessibility to W. Walton.

- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

Comments: The size is of sufficient size and regularly shaped to allow for reasonable development of the site.

H. If a rezoning is appropriate, the requested zoning district is more appropriate from the City's perspective than another zoning district.

Comments: Given the intent of the Master Plan and the challenges of development of the site, the proposed rezoning would be appropriate and beneficial to the City and the surrounding neighborhood.

I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

Comments: Although the applicant indicates that the intent is to build townhomes, the request is to rezone to R-3 Multiple Family Residential. Commissioners should be aware that if this project does not advance, other uses permitted in the R-3 District are possible. However, most uses which could be potentially objectionable are special exception uses. Therefore, the City would have a great deal of discretion to determine the compatibility of uses of the site.

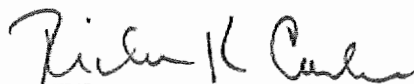
J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Comments: Given the fact that the site was once used as a school, there was some degree of activity that was previously experienced by the neighborhood. The fact that it will be developed in a residential manner is not incompatible with the surrounding area.

Recommendations:

The proposed rezoning is consistent with the City's Master Plan and will allow for redevelopment of a site which is currently vacant. The proposed zoning category provides a realistic option to the current R-1 category which would allow for demolition of the building and infill with new housing.

Planning Commission Recommended APPROVAL, 5-0 for the rezoning of case ZMA23-001 from R-1 to R-3 zoning district at the public hearing on March 1, 2023.



CARLISLE/WORTMAN ASSOC., INC

Richard K. Carlisle, FAICP

Past President/Senior Principal

Edits by Mark Yandrick
City of Pontiac Planning Manager

2MA23-001



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 204 W. New York Avenue

Sidwell Number: 14-08-353-011

Office Use Only

PF Number: _____

Date: 1/30/2023

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least **30 days** prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	Community Housing Network, Inc. / C.J. Felton		
Address	5505 Corporate Dr, Suite 300		
City	Troy		
State	MI		
ZIP Code	48098		
Telephone	Main: 248-269-1342	Cell: 734-812-8960	Fax: 248-928-0122
E-Mail	cjfelton@chninc.net		

Project and Property Information

Name of Proposed Development: Carlisle Townhomes

The subject property is location at 204 W. New York Ave on the N / S / E / (W) side of Carlisle Street between New York Avenue and W. Chicago Avenue.

The property is zoned: R-1 One Family Dwelling

Proposed Zoning District: R-3 Multiple Family Dwelling

It is proposed that the property will be used as: Multi-family housing

The subject property is legally described as follows (include sidwell numbers):

T3N, R10E, SEC 8 MARIMONT SUB LOTS 302 TO 314 INCL, ALSO LOTS 385 TO 400 INCL, ALSO THAT PART OF VAC 1/2 OF ALLEY ADJ TO SD LOT 302 9/27/89 COR

Property Owner Information

Name	Oakland County Treasurer		
Address	1200 N Telegraph Road, Bldg. 12E		
City	Pontiac		
State	MI		
ZIP Code	48341-0479		
Telephone	Main: 248-858-2930	Cell:	Fax: 248-858-1810
E-Mail	robinsonj@oakgov.com		

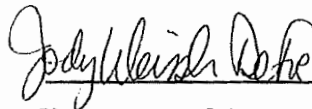
Are you the ☒ Owner _____ Agent/rep. of the owner _____ Other _____

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).

Community Housing Network proposes to redevelop the property into Carlisle Townhomes. The development will feature 42 one- and two-bedroom townhome-style rental units in five new construction buildings, and will include a community building, leasing office, playscape, and green spaces. An aerial photo of the existing property and representative building elevation are included with this application, along with a project narrative.

State the reason for the Zoning Map Amendment, particularly the manner in which the City will benefit if the amendment is approved and why such change will not be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

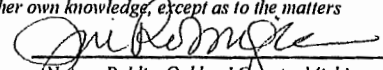
The city and surrounding neighborhood will benefit by approval of this Zoning Map Amendment through turning a long vacant and blighted property into a productive use, by providing much-needed housing for approximately 75-80 people. The surrounding residents will be minimally impacted by the development, with increased traffic from the site's current use but less than what was present when the property operated as a school. The development will not be detrimental to neighbors' properties and should serve to decrease vandalism and other nuisances.


Signature of Owner *Chief Deputy
Treasurer,
Oakland County*


Signature of Applicant

State of Michigan
County of Oakland

On this 1 day of February, A.D., 2022, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.


Notary Public, Oakland County, Michigan
My Commission Expires: 2026

From: Robinson, Jill Lyn
To: CJ Felton
Subject: 204 W New York/Wever School
Date: Wednesday, February 1, 2023 11:13:57 AM

This email has been received from outside the organization – Proceed with caution when clicking on links, opening attachments, or responding.

Hi CJ,

This email is to confirm that we are supportive of Community Housing Network's proposal for 204 W New York and the rezoning required to make it possible.

If there are questions, please let me know,

Jill

Jill Robinson (she/her)
Executive Director, *Oakland County Land Bank Authority*
Property Specialist
Oakland County Treasurer – Robert Wittenberg
1200 N. Telegraph Road, Bldg. 12E
Pontiac, MI 48341-0479
Tel (248) 858-2930
Fax (248) 858-1810

204 W. New York Avenue Aerial View







Opening Doors • Transforming Lives.

Carlisle Townhomes Project Narrative

I. Project Description and Purpose

Community Housing Network (CHN) is excited to partner with Venture, Inc on a proposed housing development, Carlisle Townhomes, which will continue building on CHN's and Venture's long standing community revitalization efforts in Pontiac. The development is named after Gloria Hardiman Carlisle, the first elected black President of the Pontiac School District Board. Carlisle Townhomes will consist of 42 rental townhomes spread out among five buildings at the former Wever School located at 204 W. New York Avenue. The units will be one- and two-bedrooms with five barrier-free units. The total development cost is \$15,939,900.

The former and long-vacant school building at the site is not economically viable to be repurposed and will be demolished. The site is currently held by the Oakland County Treasurer and CHN is working with them to secure an option on the property. The property is 3.8 acres and planned amenities for the residents include a community center, playground, attractive landscaping, and green space throughout. Carlisle Townhomes addresses the needs of current Pontiac residents for safe, decent affordable housing.

The property is well situated to be funded with Low Income Housing Tax Credits, Federal Home Loan Bank Affordable Housing Program grants, gap financing from the Michigan State Housing Development Authority, as well as other state and county funds that could be used to help with the cost of demolition of the school building.

II. Project Location

Carlisle Townhomes will be located in northwest Pontiac just east of Waterford Township and south of the City of Lake Angelus. The 42 townhomes will be on a single site at 204 W New York Ave., bordered on the north by W. Chicago Avenue, on the south by W. New York Avenue, on the east by Carlisle Street, and on the west by Walton Boulevard.

III. Development Team

The development team assembled are all experienced in providing services that lead to the successful development and maintenance of affordable housing, specifically LIHTC funded developments. All team members have also worked on previous CHN developments. CHN will be the developer, Rohde Construction is the general contractor, Architectural Solutions, Ltd is the architectural firm, Mallory, Lapka, Scott & Selin, PLLC is the legal firm, Maner Costerisan is the accounting firm, and Al Martin of Acera is the development consultant.



PHONE 248.928.0111 • TOLL FREE 866.282.3119 • FAX 248.928.0122
5505 Corporate Drive . Suite 300 . Troy . MI 48098 • communityhousingnetwork.org
Community Housing Network, Inc. is a 501(c)(3) organization. Donations are tax deductible as allowable by law.



IV. Organization Experience

Since its inception, CHN has developed 907 units of affordable housing for people in need. CHN has been able to accomplish this by accessing a variety of public and private funding from sources such as MSHDA, multiple Federal Home Loan Banks, Oakland and Macomb County HOME funds, Low Income Housing Tax (LIHTC) Credits, and HUD Section 811.

CHN believes strongly in the philosophy of "build and stay" – becoming a member of the community. The organization works diligently to forge long-term relationships with the neighborhoods where it works, helping connect neighbors to each other and to the resources that build stability and a sense of community. UPR VI is further proof of CHN's long term commitment to the Unity Park Neighborhood.

CHN has extensive experience developing and managing LIHTC development units as demonstrated by the table below:

<i>Name of LIHTC Development</i>	<i>Location</i>	<i># of Units</i>	<i># of Supportive Housing Units</i>	<i>Investment Amount</i>	<i>Year of Funding</i>
Palmer Pointe Townhomes	Pontiac, MI	24	9	\$5,695,991	2011
Unity Park Rentals I	Pontiac, MI	32	8	\$8,680,199	2013
Grafton Townhomes	Eastpointe, MI	48	12	\$11,621,515	2014
Unity Park Rentals III	Pontiac, MI	12	6	\$3,229,340	2015
Jefferson Oaks	Oak Park, MI	60	21	\$15,733,500	2015
Unity Park Rentals II	Pontiac, MI	12	6	\$3,208,140	2015
Unity Park Rentals IV	Pontiac MI	11	6	\$3,337,860	2016
Erin Park	Eastpointe, MI	52	25	\$14,794,000	2019
Unity Park Rentals V	Pontiac, MI	12	12	\$4,190,828	2019
Garfield Landing	Sault Ste Marie, MI	36	0	\$11,362,000	2021

V. Unit Breakdown

Unit Description	Income Targeting	Total # of Units	Unit Gross Rent	Monthly Rent	Annual Rent
1 Bedroom PBV*	60%	4	\$1,047	\$4,188	\$50,256
1 Bedroom	60%	4	\$1,007	\$3,560	\$42,720
2 Bedroom PBV*	60%	17	\$1,334	\$22,678	\$272,136
2 Bedroom	60%	17	\$1,064	\$18,088	\$217,056
Total		42		\$48,514	\$582,168

*PBV (Project Based Voucher) is a project-based voucher for supportive housing units, income target is 30%-60% of Area Median Income.

**Resolution of the Pontiac City Council
To Approve Zoning Map Ordinance Amendments to Rezone 204 W.
New York Ave from R-1 One Family Dwelling to R-3 Multiple
Family Dwelling.**



**Resolution of the Pontiac City Council To Approve Zoning Map Ordinance Amendments
to Rezone 204 W. New York Ave from R-1 One Family Dwelling to R-3 Multiple Family
Dwelling.**

At a meeting of the City Council (“Board”) of the City of Pontiac, County of Oakland,
State of Michigan (the “City”) at a meeting held on March _____, 2023, at 47450 Woodward
Ave, Pontiac, MI 48342 at 6:00 p.m., there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and
seconded by _____:

WHEREAS, the City is proposing an ordinance to amend Appendix B of the municipal code of
the city of Pontiac, amending Article 2, Section 2.103—Zoning Pap, to change the zoning
classifications for a parcel on W. New York Ave., on the West side of Carlisle Street between W.
New York Avenue and W. Chicago avenue from R-1 One Family Dwelling to R-3 Multiple
Family Dwelling.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the
amendments as presented to the City Council March _____, 2023, following publication as
required by law, to the City’s Zoning Ordinance, including amendments to Article 2, Section
2.103—Zoning Pap, to change the zoning classifications for a parcel on W. New York Ave., on
the West side of Carlisle Street between New York Avenue and W. Chicago Avenue from R-1
One Family Dwelling to R-3 Multiple Family Dwelling.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the City of Pontiac, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on March _____, 2023, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Dated: March ____, 2023

By: _____
Its: City Clerk

CITY OF PONTIAC

BUDGET YEAR 3

#8

RESOLUTION



WHEREAS, The Pontiac City Council wishes to re-appoint Sheldon V. Albritton to the General Employees Retirement System (GERS) Reestablished Board of Trustees and;

WHEREAS, at this time Sheldon V. Albritton has agreed to be re- appointed and attend any necessary training sessions; and

WHEREAS, Sheldon V. Albritton will be serving a term beginning April 1, 2023, and will be ending on March 31, 2027; and

NOW THEREFORE, BE IT RESOLVED, that the Eleventh Pontiac City Council shall re-appoint Sheldon V. Albritton to the General Employee Retirement System (GERS) Reestablished Board of Trustees.

#9

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Sekar Bawa, Senior Accountant

CC: Mayor Tim Greimel, Khalfani Stephens, Deputy Mayor

DATE: March 1, 2023

RE: **Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023.**
Increase the appropriation in the following GL accounts
208-756-719.000 Workers Compensation Ins. -\$5,000,
208-756-779.020 Programming -\$7,500,
208-756-942.001 Copier Lease – \$2,400,
208-756-943.000 Services – Equip Rental City-Owned – \$1,000,
208-775-716.000 – Medical Insurance – \$9,600,
208-775-745.000 – Recreation Supplies – \$2,000

The Youth Recreation division has been operating without an appropriation for some of the expense line items given below which are essential for the functioning of Youth Recreation operation.

208-756-719.000 Workers Compensation Insurance,
208-756-942.001 Copier Lease,
208-756-943.000 Services – Equip Rental City-Owned,
208-775-716.000 – Medical Insurance.

Further, since there was a delay in securing the “United Way-Out of School Time” grant, City could not use the grant dollars to pay for the recent purchase of Programming Services and Recreation Supplies.

This Budget amendment will reduce the Fund 208-Youth Recreation Millage fund balance by \$27,500. Estimated fund balance after this amendment is \$294,470.

This budget amendment allocates the funds in the categories as given below:

208-756-719.000 Workers Compensation Ins.	\$5,000,
208-756-779.020 Programming	\$7,500,
208-756-942.001 Copier Lease	\$2,400,
208-756-943.000 Services – Equip Rental City-Owned	\$1,000,
208-775-716.000 Medical Insurance	\$9,600,
208-775-745.000 Recreation Supplies	\$2,000

Net Decrease in the General Fund Balance	<u>\$27,500</u>
---	------------------------

This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.



Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023,

Increase the appropriation in the following GL accounts

208-756-719.000 Workers Compensation Ins. -\$5,000,
208-756-779.020 Programming -\$7,500,
208-756-942.001 Copier Lease – \$2,400,
208-756-943.000 Services – Equip Rental City-Owned – \$1,000,
208-775-716.000 – Medical Insurance – \$9,600,
208-775-745.000 – Recreation Supplies – \$2,000

WHEREAS, The Youth Recreation division has been operating without an appropriation for some of the expense line items given below which are essential for the functioning of Youth Recreation operation:

208-756-719.000 Workers Compensation Insurance,
208-756-942.001 Copier Lease,
208-756-943.000 Services – Equip Rental City-Owned,
208-775-716.000 – Medical Insurance; and,

WHEREAS, since there was a delay in securing the “United Way-Out of School Time” grant, City could not use the grant dollars to pay for the recent purchase of Programming Services and Recreation Supplies; and,

WHEREAS, this Budget amendment will reduce the 208-Youth Recreation Millage fund balance by \$27,500 and the estimated fund balance after this amendment is \$294,470;

NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

This budget amendment allocates the funds in the categories as given below:

208-756-719.000 Workers Compensation Ins.	\$5,000,
208-756-779.020 Programming	\$7,500,
208-756-942.001 Copier Lease	\$2,400,
208-756-943.000 Services – Equip Rental City-Owned	\$1,000,
208-775-716.000 Medical Insurance	\$9,600,
208-775-745.000 Recreation Supplies	\$2,000
Net Decrease in the General Fund Balance	<u>\$27,500</u>

#10

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President, and City Council Members

FROM: Khalfani Stephens, Deputy Mayor

DATE: March 16, 2023

RE: **Finance Director**

The Finance Director is responsible for managing the supervisory and administrative responsibilities pertaining to the administration and implementation of the functions of the Finance Department described in the Code of Ordinance. The Finance Director shall be responsible for ensuring that all of the duties and responsibilities of the Finance Department, as identified in the Code of Ordinances are executed in a fair and legal manner.

This individual will plan and direct the City's fiscal policies, analyze operations to evaluate performance of the City and determine areas of potential cost reduction, direct and coordinate the City's financial and budget, oversee all functions of the finance department, ensure that assigned areas of responsibility are performed within budget and monitor revenues and expenditures to ensure sound fiscal control, ensuring effective use of budgeted funds, personnel, materials, facilities, and time.

WHEREAS, The City of Pontiac has been without a permanent Finance Director for over seven months and;

WHEREAS, The Deputy Mayor, has successfully filled that vacancy during this period and;

WHEREAS, Mr. Timothy Sadowski has a master's degree in finance and over two years of experience in the public sector and;

WHEREAS, Mr. Sadowski has over two decades of experience in municipal financial services and;

WHEREAS, Mr. Sadowski's successful work experience demonstrates that he is qualified to lead the department,

NOW, THEREFORE
BE IT RESOLVED, The Pontiac City Council approves Mr. Timothy Sadowski to be the Finance Director for the City of Pontiac.

BE IT FURTHER
RESOLVED, That upon this appointment, Mr. Sadowski's salary will be \$110,000.

TS

Timothy Sadowski

CITY ADMINISTRATOR AND CONTROLLER

Financial Stewardship ♦ Controllershship ♦ Financial Reporting

Madison Heights, MI | 810-417-6392 | timothysadowski@yahoo.com

EXECUTIVE PROFILE

Astute administrator with specialized expertise in controllership, finance, and accounting. Efficiency-driven financial leader that excels in managing the finance department, improving transparency in government, and building positive relationships with government agencies, community organizations, constituents, and members of the public. Exceptional planning, program management and team development skills. Highly adept at developing financial reports, preparing accurate budgets and forecasts, strengthening internal controls, and improving financial operations. Garnered recognition for improving efficiency through reliable financial analytics.

SIGNATURE STRENGTHS

- | | | |
|-----------------------------|----------------------------|---------------------------|
| ✓ Governmental Accounting | ✓ Financial Management | ✓ Financial Statements |
| ✓ Budgeting & Forecasting | ✓ Budget to Actual Reports | ✓ General Ledger Activity |
| ✓ Process Improvement | ✓ Property Taxes | ✓ Bank Reconciliations |
| ✓ Administrative Management | ✓ Operations Management | ✓ Payroll |
| ✓ Accounts Receivable | ✓ Accounts Payable | ✓ Cost Control |

MUNICIPAL EXPERIENCE

City of Ecorse | Wayne County

(Population 9,305)

FINANCIAL CITY CONTROLLER | 8/24/2015 – 9/30/2017, 1/11/2018 – Present

Charged with accountability for overseeing accounting functions including general ledger, financial statements, and bank reconciliations on BS&A.Net. Established new processes to increase efficiency in the accounting department. Oversaw all aspects of controllership duties while ensuring financial data integrity and transparency. Prepared budgets, forecasts, and budget to actual reports. Collected and disbursed property taxes.

Key Achievements:

- Administered \$218K in grant funding through MDOT from the 2021 Transportation Economic Development Category B Program to construct roadway resurfacing on 6th Street, Elton Street, and 15th Street.
- Managed \$3M grant funding through EGLE from the 2021 Drinking Water Revolving Fund Grant program to replace 600 lead water service line replacements throughout the City.
- Responsible for \$188K in funding through the State of Michigan Department of Treasury from the 2021 Financially Distressed Cities, Villages, and Townships (FDCVT) Grant program to purchase a Emergency Medical Services Ambulance.
- Managed \$245K in funding through the State of Michigan Department of Treasury from the 2019 Financially Distressed Cities, Villages, and Townships (FDCVT) Grant program to replace the the Ecorse HVAC System.
- Administered \$800K in funding through the State of Michigan Department of Treasury from the 2018 Financially Distressed Cities, Villages, and Townships (FDCVT) Grant program to replace 3,000 residential water meters.
- Handled \$500K in funding through the State of Michigan Department of Treasury from the 2017 Financially Distressed Cities, Villages, and Townships (FDCVT) Grant program to implement sanitary sewer and storm water connections
- Expertly oversaw \$2.5M in emergency principal loans paid off early or 50% through 2021 of the total \$5M borrowed.
- Accountable for \$2.6M in financial recovery bonds paid off early through 2021 of the total \$9.5M borrowed.
- Maintained responsibility for \$3.9M in additional MERS employer contributions made through 2021.
- Launched a MERS Retiree Health Savings Plan and contributed \$1.9M to the plan through 2021.

CITY ADMINISTRATOR | 5/1/2017 – 8/30/2017, 3/9/2021 – Present

Provided leadership and direction to operations management and administrative management.

Key Achievements:

- Oversaw department heads responsible for providing services for Police, Fire, Emergency Medical Services, Public Works, and Building.

Fraser Public Library | Macomb County (Class 4)

LIBRARY BOOKKEEPER | 7/1/2019 – 10/17/2021, 2/7/2022 – Present

Maintained responsibility for accounting associated with the general ledger. Completed bank reconciliations in QuickBooks.

Key Achievements:

- Expertly managed financial operations including accounts payable, accounts receivable and payroll.
- Prepared accurate and reliable financial statements.

City of Flint | Genesee County

(Population 95,999)

FINANCIAL DEPUTY CONTROLLER | 7/27/2020 – 2/26/2021

Charged with accountability for overseeing accounting functions including general ledger and financial statements on BS&A.Net. Established new processes to increase efficiency in the accounting department. Prepared budgets and forecasts.

Key Achievements:

- Reconciled Federal and State Grant disbursements to paid invoices received for the Flint Water Crisis

City of Rochester | Oakland County

Population 13,035

PAYROLL SPECIALIST | 3/1/2020 – 7/23/2020

Performed payroll functions in BS&A.Net.

Village of Romeo | Macomb County

Population 3,596

VILLAGE ACCOUNTANT | 11/13/2019 – 3/1/2022

Performed accounting functions including general ledger, financial statements, and bank reconciliations on BS&A.Net.

Key Achievements:

- Streamlined financial processes and introduced process improvements to boost efficiency.

City of Fraser | Macomb County

Population 14,480

CITY FINANCE DIRECTOR/TREASURER | 10/1/2017 – 12/21/2019

Directed all facets of accounting, general ledger activity, and financial statement preparation. Completed bank reconciliations on BS&A.Net. Prepared budgets, forecasts, and budget to actual reports. Collected and disbursed property taxes.

Key Achievements:

- Championed efforts to implement new processes that boosted efficiency in the accounting department.

City of Imlay City | Lapeer County

Population 3,869

CITY CLERK AND TREASURER | 11/1/2012 – 8/13/2014

Created budgets, forecasts, and budget to actual reports with a high degree of accuracy. Collected and disbursed property taxes.

Key Achievements:

- Initiated efforts to streamline month-end closing process to reduce labor costs.

Village of Stockbridge | Ingham County*Population 1,218***Village Clerk | 6/2011 – 11/2012**

Prepared budgets, forecasts, and budget to actual reports. Day-to-day financial operations including accounts payable, payroll, utility billing and general ledger.

Village of Roscommon | Roscommon County*Population 1,075***Interim Village Manager | 11/2010 – 6/2011**

Prepared the budget and amendments. Managed the day-to-day administrative operations.

Village of Mayville | Tuscola County*Population 950***Village Manager and DDA Director | 11/2007 – 4/2010**

Prepared the budget and amendments. Managed the day-to-day administrative operations.

City of Potterville | Eaton County*Population 2,617***City Clerk | 6/2005 – 11/2007**

Prepared budgets, forecasts, and budget to actual reports. Day-to-day financial operations including accounts payable, payroll, utility billing and general ledger.

Village of Dexter | Washtenaw County*Population 4,067***City Clerk | 12/2004 – 6/2005**

Prepared Village Council packets. Assisted employees with day-to-day administrative tasks.

Hamburg Township | Livingston County*Population 21,165***Election Worker and Intern | 11/2000 – 11/2004**

Worked all elections. Assisted the Township Clerk with administrative tasks.

EDUCATION | CREDENTIALS**Master of Business Administration (MBA)**

Walsh College of Business and Accountancy

Bachelor of Public Administration

Eastern Michigan University

TECHNICAL SKILLS

BS&A.Net, QuickBooks, Microsoft Office

#11

RESOLUTION

**OAKLAND COUNTY SHERIFF'S OFFICE
2022-2024 LAW ENFORCEMENT SERVICES AGREEMENT WITH
THE CITY OF PONTIAC**

Amendment 1

Pursuant to Paragraph 29 of the 2022-2024 Law Enforcement Services Agreement between the COUNTY and the CITY OF PONTIAC (the "Agreement"), the parties hereby agree to amend said Agreement to add two (2) Patrol Investigator positions, one (1) Major position and delete one (1) Captain position in accordance with the attached Exhibit 1 (Schedule A) beginning on the effective date of this Amendment 1. The attached Exhibit 1 replaces and supersedes the Schedule A attached to the Agreement beginning on the effective date of this Amendment 1.

This Amendment 1 shall take effect on July 1, 2023 and shall continue until the Agreement expires or is terminated. All other provisions in the Agreement not otherwise affected by the attached Exhibit 1 remain in full force and effect.

FOR AND IN CONSIDERATION of the mutual assurances, promises, acknowledgments, set forth in this Amendment 1 and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the undersigned hereby execute this Amendment 1 on behalf of the Parties, and by doing so legally obligate and bind the Parties to the terms and conditions of this Amendment 1.

IN WITNESS WHEREOF, Tim Greimel, Mayor of the City of Pontiac, hereby acknowledges that he has been authorized by a resolution of the Municipality's governing body to execute this Amendment 1 on behalf of the Municipality and hereby accepts and binds the Municipality to the terms and conditions of this Amendment 1.

EXECUTED: _____
Tim Greimel
Mayor

DATE: _____

WITNESSED: _____
Garland Doyle
Clerk

DATE: _____

IN WITNESS WHEREOF, David T. Woodward, Chairperson, Oakland County Board of Commissioners hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, to execute this Amendment 1 on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Amendment.

EXECUTED: _____
David T. Woodward, Chairperson
Oakland County Board of Commissioners

DATE: _____

WITNESSED: _____
County of Oakland

DATE: _____

SCHEDULE A
City of Pontiac 2022-2024 Law Enforcement Services Agreement
Amendment #1, effective July 1, 2023

SHERIFF'S DEPUTIES CONTRACTED FOR AND TO BE ASSIGNED TO MUNICIPALITY

Rank of Sheriff's Deputies Contracted	Number of Sheriff's Deputies Contracted	Biweekly Charge for each Sheriff's Deputy to Municipality in 2023	Annual Costs 2023	Biweekly Charge for each Sheriff's Deputy to Municipality in 2024	Annual Costs 2024
Major	1	\$9,109.70	\$236,852	\$9,396.35	\$244,305
Captain		\$7,947.93		\$8,199.29	
Lieutenant	3	\$7,008.13	\$546,634	\$7,200.79	\$561,662
Patrol Sergeant	8	\$6,367.58	\$1,324,457	\$6,541.59	\$1,360,651
Detective Sergeant	1	\$6,508.55	\$169,222	\$6,691.21	\$173,971
Deputy II (w/fill)		\$6,517.78		\$6,693.55	
Deputy II (no-fill)	61	\$5,678.26	\$9,005,720	\$5,837.46	\$9,258,211
Deputy II (no-fill/no-vehicle)		\$5,408.48		\$5,555.78	
Patrol Investigator (no-fill)	20	\$5,872.35	\$3,053,622	\$6,041.25	\$3,141,450
Deputy I (no-fill)		\$5,284.86		\$5,437.23	
Estimated Overtime			\$918,000		\$936,360
Front desk & building PTNE Security Deputies	12	\$27.15 per hour	\$325,800 estimated	\$27.69 per hour	\$332,280 estimated
PTNE Office Support Clerk	2	\$22.16 per hour	\$44,320 estimated	\$22.60 per hour	\$45,200 estimated
Technical Office Specialist	1	\$3,123.85	\$81,220	\$3,186.33	\$82,844
TOTAL	109		\$15,705,847		\$16,136,934

NOTE: For each "Deputy II (w/fill)" identified above, the O.C.S.O. will, at no additional cost to the Municipality, provide a substitute Sheriff's Deputy (i.e., a "fill-in") to provide Law Enforcement Services to the Municipality whenever a contracted "Deputy II (w/fill)" is absent from the Municipality during any 80-hour biweekly period for any reason except those reasons enumerated in Paragraph 6.1 of the Agreement.

NOTE: The O.C.S.O. will not assign any trainees to perform the duties of any Sheriff's Deputy contracted for and assigned to perform Law Enforcement Services under this Agreement.