

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

80th Session of the 11th Council
April 11, 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

- A. March 9, 2023 Finance and Personnel Subcommittee Meeting Minutes
- B. March 27, 2023 Law and the Courts Subcommittee Meeting Minutes
- C. April 3, 2023 Economic Development, Housing and Planning Subcommittee Meeting Minutes
- D. April 4, 2023 City Council Meeting Minutes

Subcommittee Reports

- 1. Communications, Engagement & Operations
- 2. Economic Development, Housing & Planning
- 3. Facilities & Property
- 4. Finance & Personnel
- 5. Law & The Courts
- 6. Parks, Recreation & Public Works
- 7. Public Safety, Health & Wellness

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinance

- 8. Zoning Map Ordinance Amendment with Conditions at 484 Auburn Road. (Second Reading)

Resolutions

Planning

9. Resolution to authorize the Mayor to execute the conditional rezoning agreement regarding 484 Auburn Avenue

City Council

10. Resolution acknowledging Armenian Genocide Remembrance Day

Department of Public Works (DPW)

11. Resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$99,214 to account 285-485-977.007-ARPDWP Mowers, \$10,998 to account number 285-458-977.009-ARPDWP Trailers, and \$2,000 to account number 285-458-977.008-ARPDWP Special Equipment.

Finance

12. Resolution to approve the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts: 249-371-702.000 – Salaries & Wages -\$19,140, 249-371-715.000 – FICA City Contribution - \$1,465 249-371-716.000 – Medical Insurance - \$3,000 249-371-718.500 – MERS Employer Contribution - \$975

Grants

13. Resolution to authorize application for Environmental Justice Government-to-Government (EJ2G) program through EPA

Purchasing

14. Resolution approving Abatement Services Contractors for the Home Repair Program

Public Comment (Three Minutes Time Limit)

Discussions

15. Speed Humps Implementation in our Neighborhoods
16. Affordable Housing Needs in the Community

Communications

City Council

17. 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.
18. 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
19. 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
20. 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

21. Artist Zach Curtis Coffee Exhibit Opening Reception, April 14, 2023 from 5:00 to 7:30 pm., held at Flagstar Strand Theatre at 12 N. Saginaw Street in Downtown Pontiac
22. Third Tuesdays Global Music Jam at the PLAT, 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
23. Garden of Cocktails Fundraiser for Micah 6 Community, May 11, 2023 from 7:00 to 10:00 pm, held at Golden Walsh Garden and Home, 559 Orchard Lake Road, Pontiac 48341. For tickets and more information, visit micha6community.networkforgood.com
24. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023
25. 13th Annual Stomp Out Violence: Community Healing Fair by the Identify Your Dream Foundation, May 29, 2023 at 11:00 am, held at Wisner Memorial Stadium, 441 Cesar E. Chavez Avenue, Pontiac 48342
26. Save the Date: Pontiac Collective Impact Partnership Youth Expo set for June 10, 2023

Mayor's Office

27. 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 A

**PONTIAC CITY COUNCIL
FINANCE AND PERSONNEL SUBCOMMITTEE
March 9, 2023 MEETING MINUTES**

Held at Pontiac City Hall, Legislative Conference Room
47450 Woodward Avenue, Pontiac, Michigan 48342

In Attendance:

City Councilman Brett Nicholson (Chair)
City Councilwoman Kathalee James
City Councilman William Parker, Jr.
Mayor Tim Greimel
Deputy Mayor Khalfani Stephens
Human Resources Director Angela Benitez
Finance Staff Sekar Bawa

Call to Order: Meeting called to order at 2:00 p.m.

Agenda Items Discussed

Finance Updates:

1. Financial Reporting Discussion
2. Review of Financial Reports
3. Finance Department Staffing Capacity
4. Annual Audit Submission Update

Human Resources Updates:

1. Positions Open and New Hires
2. Huron Resources Capacity Needs

Public Comment: There were no requests for public comment at the meeting.

Adjournment: The meeting ended at 3:12 p.m.

CONSENT AGENDA B

LAW AND THE COURTS
SUBCOMMITTEE MEETING

March 27, 2023

4:00 pm

AGENDA

STANDING UPDATES

- I. 50th District Court – Update
 - 1. HVAC RFP Update
 - 2. Prisoner Entrance Repair (Pending Eval RFP)
 - 3. Parking for Judges (painting of spots)
 - 4. Issue with microphone cords on Floor (???)
- a. Blight Court
 - 1. Landlord Eviction Notice Update
 - 2. Pending Issues for City Districts
- b. MIDC Update (Contract renewal)
- I. Report from Oakland County Prosecutors Office (OCPO)
- II. Administrative Update
 - a. Replacement for Legislative Council
 - b. City Legal Issues
 - c. Contracts Pending
 - d. New Business
 - e. Items for Future Consideration by Subcommittee
 - f. Public CommentsAdjournment**Next meeting: Monday, April 24, 2023 at 4:00 pm in the City Council Conference Room.

CONSENT AGENDA C

**PONTIAC CITY COUNCIL ECONOMIC DEVELOPMENT,
HOUSING, AND PLANNING SUBCOMMITTEE**

April 3, 2023 MEETING MINUTES

Held at Pontiac City Hall, Legislative Conference Room
47450 Woodward Avenue, Pontiac, Michigan 48342

PRESENT –

Councilmembers Mike McGuinness, Brett Nicholson, Melanie Rutherford
Deputy Mayor Khalfani Stephens
Community Development Director Rachel Loughrin
Building Official Larry Domski
Senior Planner Corey Christensen
Pontiac Housing Commission Staff Vern Gustafsson and Natalie Broda

MEETING CALL TO ORDER – Called to order at 9:04 a.m.

STATUS UPDATES DISCUSSED

A. Building Department Updates

1. Noteworthy Project Updates
2. Demolition Updates

B. Economic Development Updates

1. Home Repair Program Rollout Status

C. Code Enforcement Updates

D. Planning Updates

1. Summary of Last 30 Days' Action at Boards and Commissions
2. Upcoming Boards and Commissions Agendas
3. Strategic Efforts
 - a. Upcoming Zoning Code Amendments
 - b. Planning Process Improvements

E. General Community Development Updates

1. Capacity Planning and Hiring
 - a. Code Enforcement
 - b. Economic Development
 - c. Planning

NEW BUSINESS DISCUSSED

A. Pontiac Housing Commission Five-Year Plan

PUBLIC COMMENT – No requests for public comment when option was offered

ADJOURNMENT – Meeting adjourned at 10:08 a.m.

CONSENT AGENDA D

April 4, 2023 Draft

**Official Proceedings
Pontiac City Council
79th 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, April 4, 2023 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Pastor Cornelius Berry, Word Believers Church

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

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

Mayor Greimel was present
A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Goodman. Discussion.

Motion to amend the agenda to add discussion on the Community Center. Moved by Councilperson James and second by Councilperson Rutherford.

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

Motion Carried

Motion to amend the agenda and move item #2 (Acknowledge and Congratulate the Champions of the City of Pontiac and Pontiac School District Easter Hoops Elementary Championship Basketball Game played on Saturday, April 1, 2023) before item #1. (Earth Week) Moved by Councilperson Nicholson and second by Councilperson Rutherford.

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

Motion Carried

The vote was taken to approve the agenda as amended.

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

Motion Carried

Consent Agenda

23-130 **Resolution to approve the consent agenda for April 4, 2023.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

April 4, 2023 Draft

Whereas, the City Council has reviewed the consent agenda for April 4, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for April 4, 2023 including March 24, 2023 Facilities & Property Subcommittee Meeting Minutes and March 28, 2023 City Council Meeting Minutes.

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

No: None

Resolution Passed

Special Presentations

Acknowledge and Congratulate the Champions of the City of Pontiac School District Easter Hoops Elementary Championship Basketball Game played on Saturday, April 1, 2023

Earth Week (Clean up presentation for April 17-22)

Recognition of Elected Officials – None

Agenda Address

1. Carlton Jones addressed item #4
2. Robert Bass addressed item #6
3. James Richardson addressed items #3 & #4
4. Joseph Valdez addressed items #3 & #4
5. Eric Dowd addressed item #6
6. Carol Dowd addressed item #6
7. Gail Spaulding addressed item #6
8. Marie Carlson addressed item #6
9. Pastor Kathy Dessureault addressed item #6

Resolution

23-131 **Resolution Rescinding City Council Proceeding #78 Session involving the City Council's 3-2 vote on a Motion to Adopt the Adult Use Marijuana Business Ordinance as amended, which occurred on March 28, 2023. Moved by Councilperson Nicholson and second by Councilperson Parker.**

Whereas, pursuant to proceeding #78 Session of the Pontiac City Council voted on March 28, 2023 to approve a Motion to Adopt the Adult Use Marijuana Business Ordinance as amended; and
Whereas, the motion failed for lack of four (4) votes, as required by City Charter 3.112 (c); and
Whereas, various procedural and substantive concerns and questions were raised by Council members and City staff before, during and after the vote taken on March 28, 2023; and
Whereas, subsequent to the vote, the City Council unanimously approved a motion to revisit the matter by adding the same ordinance as amended, to the April 4, 2023 City Council meeting; and
Whereas, Robert's Rules of Order permit actions to be rescinded by the Council.
It is hereby Resolved, that the City Council rescinds its votes on the Motion to Adopt the Adult Use Marijuana Business Ordinance as Amended, during proceeding #78th Session which occurred during the March 28, 2023.

It is Further Resolved, that the City Clerk is authorized and directed to take all necessary steps to ensure that the record is corrected to nullify that action of the Council.

It is Further Resolved, that the Adult Use Marijuana Business Ordinance as amended be placed before City Council for a Second Reading and consideration at its April 4, 2023 meeting.

Ayes: Nicholson, Parker, Carrington, Goodman and McGuinness

No: James

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Abstain: Rutherford
Resolution Passed

Ordinances

2406 Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (Second Reading Postponed from March 28, 2023 City Council Meeting). Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Parker, Carrington, Goodman, McGuinness and Nicholson
No: James
Abstain: Rutherford
Ordinance Adopted

****See Ordinance #2406 as Exhibit A after the minutes****

2407 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 28, 2023 City Council Meeting). Moved by Councilperson Nicholson and second by Councilperson Goodman.

Ayes: Carrington, Goodman, McGuinness, Nicholson and Parker
No: James
Abstain: Rutherford
Ordinance Adopted

****See Ordinance #2407 as Exhibit A after the minutes****

Adoption of an Ordinance Amendment ZMA 23-001 to rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Weaver School) (Second Reading Postponed from March 28, 2023 City Council Meeting. Five votes are required to adopt the ordinance since a protest petition was submitted.) Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Goodman, McGuinness and Rutherford
No: Carrington, James, Nicholson and Parker
Ordinance Failed

23-132 Resolution approving the first reading on a Zoning Map Ordinance Amendment with Conditions at 484 Auburn Road. Moved by Councilperson Nicholson and second by Councilperson James.

Whereas, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance Map to conditionally rezone 484 Auburn Avenue; specifically to amend the Zoning Ordinance Map which list 484 Auburn Avenue as C-1 Local Business to C-3 Corridor Mixed Use District in accordance with the Conditional Rezoning Agreement.

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Whereas, the City of Pontiac Council finds it is in the best interest for the health, safety, and welfare, to reject the Planning Commission's Recommendation and approve the amendments to the Zoning Ordinance as presented.

Now, Therefore, Be It Resolved, by the Pontiac City Council that it hereby adopts the first reading of the amendments as presented to the City Council on April 4, 2023, to the City's Zoning Ordinance Map.

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

No: None

Resolution Passed

Resolutions

City Clerk

23-133

Resolution approving the appointment of Tiffany Tilley as Chief Assistant Clerk.

Moved by Councilperson Nicholson and second by Councilperson Rutherford.

WHEREAS, Section 3.202 of the Charter states "the Clerk may, with approval of Council, appoint a chief assistant who serves at the pleasure of the Clerk and performs the duties of the office in the absence or disability of the Clerk." and;

WHEREAS, The City Clerk is seeking approval to appoint Ms. Tiffany Tilley to the position of Chief Assistant Clerk and;

WHEREAS, Ms. Tilley has a master's degree in business administration and twenty years of professional experience and;

WHEREAS, Ms. Tilley has over five years of municipal government experience including elections and has served as an appointee for a municipal clerk for three years and a county clerk appointee for over a year and;

WHEREAS, Ms. Tilley's successful work experience in both the public and private sector demonstrates that she is qualified to serve as the Chief Assistant Clerk.

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council approves the Clerk's appointment of Ms. Tiffany Tilley as the Chief Assistant Clerk effective April 10, 2023.

BE IT FURTHER RESOLVED, That upon this appointment, Ms. Tilley's salary will be \$90,000.

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

No: None

Resolution Passed

Department of Public Works (DPW)

23-134

Resolution authorizing the purchase of Mowing Equipment. Moved by

Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City of Pontiac DPW will purchase equipment needed for lawn mowing of Parks and Grounds.

WHEREAS, it is necessary to have this equipment to properly in house mowing operations.

NOW, THEREFORE IT IS RESOLVED:

WHEREAS, the Pontiac City Council authorizes the DPW Director to purchase needed mowing equipment from Burdick Street Landscape Supply & Equipment for a cost of \$99,214.00.

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

No: None

Resolution Passed

23-135

Resolution authorizing the purchase of Trailers to haul Mowing Equipment. Moved

by Councilperson Rutherford and second by Councilperson Nicholson.

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WHEREAS, the City of Pontiac DPW will purchase trailers needed for carrying lawn mowing equipment.
WHEREAS, it is necessary to have this equipment to properly in house mowing operations.

NOW, THEREFORE IT IS RESOLVED:

WHEREAS, the Pontiac City Council authorizes the DPW Director to purchase needed mowing equipment from U.S.27 Motorsports & Trailers for a cost of \$10,998.00.

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

No: None

Resolution Passed

23-136 **Resolution to authorize the City Clerk to publish the proposed budget amendment to establish budget appropriation in the amount of \$591,004 to account 285-458-977.010 – ARPDPW – Street Sweepers.** 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 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 \$1,000,000 to Pedestrian Enhancements and DPW Support; and,

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the administration is proposing the purchase of 2 street sweepers to aid the Department of Public Works staff in blight removal and to reduce sediment collection through storm water infrastructure; and,

WHEREAS, the following budget amendment reflects funding for the associated costs, and;

WHEREAS, the budget amendment will increase the budgeted appropriations in the amount of \$591,004, representing the purchase of the aforementioned equipment.

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 \$591,004 to account 285-458-977.010 ARPDPW – Street Sweepers.

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

No: None

Resolution Passed

Purchasing

23-137 **Resolution approving DLZ Engineering Firm 2023-2024 Services to add to the authorized List of Contractors for City Use.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, The Purchasing Manager has ensured that participating in a cooperative to obtain professional engineering services is allowed according to Pontiac Code Section 2-523;

WHEREAS, A not-to-exceed amount of \$75,000 has been identified and a purchase order will be issued for this amount to DLZ;

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NOW, THEREFORE, BE IT RESOLVED The Pontiac City Council approves that the mayor executes the DZL's Proposal for Engineering Services.

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

No: None

Resolution Passed

Treasury

23-138

Updated Resolution approving the Annual Board of Review Hardship Exemption Guidelines. Moved by Councilperson Goodman and second by Councilperson Rutherford.

WHEREAS, Public Act 253 of 2020, requires the governing body of each city and township to determine and make available to the public the policy and guidelines the Board of Review utilizes in granting reductions in property assessments due to limited income and assets referred to as "Poverty Exemptions."

WHEREAS: It is the intent of the Council to adopt guidelines in compliance with the act.

NOW THEREFORE, THE PONTIAC CITY COUNCIL RESOLVES that in order to be eligible for a poverty exemption a person shall do all of the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. The subject property must be classified as a single family residential parcel or residential condominium property with a valid homeowner's Principal Residence Exemption (PRE) currently in effect.
3. Submit completed Form 5737 Application for MCL 211.7u Poverty Exemption and Form 5739 Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty.
4. Submit the most recent year's copies of the following for all persons residing in the homestead:
 - a. Produce a valid driver's license or Michigan State Identification card for all persons residing in the household.
 - b. Federal Income Tax Return-1040, 1040A or 1040E and Michigan Income Tax Return- MI 1040, MI1040A or MI1040EZ.
 - c. Senior Citizens Homestead Property Tax Form MI-1040CR-1 or General Homestead Property Tax Claim MI-1040CR-4.
 - d. Benefit Statement from AOC, Pension, Retirement, Social Security Administration and/or Michigan Social Services as to money paid to you during previous year. (along with a signed form 4988).
5. Produce a copy of the deed, land contract or other evidence of parcel ownership of all real property owned by the applicant if requested by the Board of Review.

BE IT FURTHER RESOLVED that applicant(s) must complete the application form in its entirety and return to the Treasurer's or Equalization Office. Any application submitted to the Board of Review which has not been filled out in its entirety shall be denied by the Board of Review. Appeals of said denial shall be made to the Michigan Tax Tribunal.

BE IT FURTHER RESOLVED that applicant(s) may apply for Poverty Exemption to only one session of the Board of Review (March, July, or December) and any appeal of the Board's decision shall be made to the Michigan Tax Tribunal.

BE IT FURTHER RESOLVED that the Board of Review can request any other additional information including additional tax returns, financial statements, land contracts, personal or family trust documents, vehicle titles and any other records or affidavits that the Board may deem necessary in order to make a poverty exemption determination, asset limit determination or income level determination.

BE IT FURTHER RESOLVED that completed applications may be brought to the Board of Review on the day of an appointment, but in order to have timely consideration by the Board the application-with supporting documents-should be made available to the Board 1 week prior to the meeting date.

BE IT FURTHER RESOLVED that applications may be reviewed and acted upon by the Board of Review without applicant(s) being present. However, the Board may request that any or all applicants be

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physically present to respond to any questions the Board of Review may have. This means that an applicant may be called to appear on short notice.

BE IT FURTHER RESOLVED that the Board of Review shall follow the policy and guidelines set forth above when granting and denying poverty exemptions. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year.

BE IT FURTHER RESOLVED that the allowed reduction for hardship exemption shall be 25%, 50%, or 100% of Taxable Value of the homestead for the tax year and at their discretion, the Board may approve full or partial exemption if deemed appropriate.

BE IT FURTHER RESOLVED that the applicant's total household income cannot exceed 125% of the most current Federal Poverty Guidelines set forth by the U.S. Department of Health and Human Services as established by the State Tax Commission-to be updated annually.

BE IT FURTHER RESOLVED that a poverty exemption shall not be granted to any applicant whose assets exceed \$100,000. An applicant's homestead and principal vehicle shall be excluded from consideration as an asset. All other property, including from all other persons residing in the household, shall be included as an asset. Property shall include, but is not limited to, cash, savings, stocks, mutual funds, insurance commodities, coin collections, art, motor vehicles, recreation vehicles, etc.

BE IT FURTHER RESOLVED that any reduction in the State Equalized Value of a property is granted for one year only and must be applied for and reviewed annually based on the applicant's current situation.

BE IT FURTHER RESOLVED that a person filing a poverty exemption claim is not prohibited from also appealing the assessment on the property for which that claim is made before the March Board of Review in the same year.

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

No: None

Resolution Passed

Public Comment

1. Claude Vinegar
2. Karen Jorgensen
3. Carlton Jones
4. Desmond Glenn
5. Beatrice Wright
6. Robert Bass
7. Billie Swazer
8. Renee Beckley
9. Gloria Miller
10. Chuck Johnson
11. Kathy Dessureau
12. Dr. Deirdre Waterman
13. Robert Richardson

Discussion (Agenda Add-on)

Community Center

Closed Session

23-139 Resolution to enter into closed session at 9:06 p.m. for the purpose of discussing certain written confidential legal opinions regarding the national opioid settlements, Katz v City of Pontiac, and Vanguard Equity Management, LLC v City of Pontiac, pursuant to MCL 15.268(e)(h) and MCL 15.243(1)(g) and the purchase of certain real property pursuant to MCL 15.268(d)."

Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, Section 8(e) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consult with its attorney regarding settlement strategy in connection with pending litigation if an open meeting would have a detrimental financial effect on the litigation or settlement position of the City; and

WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h); and

WHEREAS, Section 8(d) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained; and

WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and

WHEREAS, Section 13 of the Freedom of Information Act provides that a public body may exempt from disclosure as a public record information or records that are subject to the attorney-client privilege (MCL 15.243(1)(g)); and

WHEREAS, the City has written confidential legal opinions related to active litigation and settlement strategy in regards to the national opioid settlements and the matters of Katz v City of Pontiac (Case No. 2022-195877-CH) and Vanguard Equity Management, LLC v City of Pontiac (Case No. 2022-197361-CH); and

WHEREAS, the City has written confidential legal opinions related to the purchase of real property.

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant MCL 15.243(g) and to Sections 8(d), 8(e) and 8(h) of the Open Meetings Act (MCL 15.268(d), (e) and (h)), to discuss and consider written confidential legal opinions of counsel in connection with open litigation ripe for trial or settlement and the purchase of real property.

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

No: None

Resolution Passed

President Pro-Tom William Carrington left the meeting before Closed Session ended

Councilman Mikal Goodman left the meeting before Closed Session ended

Motion to come out of Closed Session at 10:35 p.m. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: James, McGuinness, Nicholson, Parker and Rutherford

No: None

Motion Carried

Suspend the Rules

Motion to suspend the rules to amend the agenda to add-on a resolution. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: McGuinness, Nicholson, Parker, Rutherford and James

No: None

Motion Carried

23-140 **Resolution to participate in the 2022 Opioid Settlement for Michigan Municipalities. (Agenda add-on)** Moved by Councilperson Rutherford and second by Councilperson Parker.

Now, Therefore, Be It Resolved, that the Pontiac City Council approve the Resolution to Participate in the

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2022 Opioid Settlement that will allow the City of Pontiac to opt-in as a settlement participant and authorize the City Clerk to certify and file the same.

Ayes: Nicholson, Parker, Rutherford, James and McGuinness

No: None

Resolution Passed

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Greimel, Clerk Doyle, Councilman William Parker, Jr., Councilwoman Melanie Rutherford and Council President Mike McGuinness made closing comments

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Parker, Rutherford, James, McGuinness and Nicholson

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 10:42 p.m.

Garland S. Doyle
City Clerk

CITY OF PONTIAC
ORDINANCE NO. # 2406

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 are authorized by the City to operate as separate marihuana businesses at a single property but with separate business suites, partitions, and separate means of public ingress/egress from the exterior or from a common lobby area.

"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, 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, 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, Social Equity Retailer Establishments and Class A Microbusinesses.

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	17
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 co-located at a premises from which adult-use marihuana commercial businesses are operated. Operation of a grower, processor, retailer establishment or social equity retailer establishment, Class A microbusiness, and designated consumption establishment at the same co-location is authorized, provided that each establishment is separately licensed and permitted. Co-Location 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 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. Applicants are limited to one application per location. Multiple applications for the same establishment location shall be disqualified.

(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 shall 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.

(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 seventeen (17) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than seventeen (17) 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. Social equity retailer applicants are limited to one application per location. Multiple applications for the same social equity establishment location shall be disqualified.

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 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.

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

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, 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, social equity retailer, Class A microbusiness, and designated consumption establishment uses, shall be permitted to co-locate

at a single property subject to permit approval for each use from the City. Co-located 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 final site plan and special exception permit 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 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.

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.

(12) Applicants submitted more than one application for the same location.

(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.

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County of Oakland, State of Michigan, at a regular meeting of the City Council held on the 4th day of April, 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: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

Members Absent: None

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

Members voting Yes: Parker, Carrington, Goodman, McGuinness and Nicholson

Members voting No: James

Members Abstaining: Rutherford

Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

CITY OF PONTIAC

ORDINANCE NO. # 2407

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-USES 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 seventeen (17) 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 eight (8) (Marihuana) Retailers are to be located in any one of the four (4) Adult-Use Marihuana Business Overlay Districts; Social Equity Retailers authorized by City ordinance are allowed in any one of the four (4) 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			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 1st Avenue Overlay (District 1)	Woodward Gateway Overlay (District 4)	
Designated Consumption Establishment	0 3 – N of Huron 3 – S of Huron				Section 2.555
Adult-Use Marihuana Grower Facility		0 3			Section 2.551
Adult-Use Marihuana Class A Microbusiness (5 across all districts)	0	0		0	Section 2.554

Adult-Use Marihuana Processor		0 3			Section 2.552
Adult-Use Marihuana Retailer	0 5	0 5		0 2	Section 2.553
Adult-Use Marihuana Social Equity Retailer	0 1	0 2		0 1	Section 2.553
Adult-Use Marihuana Safety Compliance Facility		0	o		Section 2.556
Adult-Use Marihuana Secure Transporter		0	o		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 (7) 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 facilities, 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 (7) 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 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 facilities, 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. Retailers and 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 Retailers 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. Retailers and Social Equity Retailers 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 (7) 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 Retailer 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.

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, designated consumption establishment or other Retailer or Social Equity Retailer 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 facilities, 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 Microbusinesses 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 (7) 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 Microbusinesses 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 facilities, 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 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.
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. Designated Consumption Establishments 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 Establishments 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 (7) 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 (3) Designated Consumption Establishments permitted north of Huron Street, and three (3) 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 facilities, 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. Marihuana safety compliance facilities 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 (7) 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 thereof 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. All secure transporters 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. Refraining 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 (5) years.
 - c. Each vehicle shall always be operated with a two (2) person crew with at least one (1) 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 officer upon request.
 - 3. The marihuana shall be transported by one (1) 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 and the East Walton Blvd. Marihuana Business Overlay Districts and in the C-1, C-3, 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 facilities, 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 Events 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 two (2) day period. The total days that Temporary Marihuana Events may take place shall not exceed four (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, a detailed narrative of the event, an operational plan, a 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 with the MMMA, the rules promulgated thereunder, this ordinance, and applicable City ordinances. The term "Qualifying patient" means qualifying patient under the MMMA.

A. General Provisions.

1. A registered primary caregiver, operating in compliance with the MMMA, the rules promulgated thereunder, the requirements of this ordinance and applicable City ordinances, shall be permitted only in zoning districts IP-1 and M-1 by special exception. The City makes the following findings in support of its determination that the regulation of primary caregivers as permitted in zoning districts IP-1 and M-1 by special exception is consistent with the purposes and intent of the MMMA:

- a. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.

- b. The MMMA's definition of "medical use" of marihuana includes the "transfer" of marihuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
 - c. The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marihuana.
 - d. By permitting the operations of registered primary caregivers by special exception in zoning districts IP-1 and M-1, the City promotes the MMMA's purpose of ensuring that (i) a registered primary caregiver is not assisting more than five (5) qualifying patients with their medical use of marihuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five (5) 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 marihuana by the primary caregiver, shall be conducted indoors. A registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that term is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary

caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use if the primary caregiver is also registered as a qualifying patient under the MMMA.

5. The primary caregiver shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the MMMA. This log shall be available to law enforcement personnel to confirm that the primary caregiver does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility.

6. The primary caregiver shall, at all times, comply with the MMMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

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 (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

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

C. Space Separation.

1. Unless permitted by the MMMA, public areas of the primary caregiver facility must be separated from restricted or nonpublic areas of the primary caregiver facility by permanent barrier.

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

D. Nuisance Prohibited.

1. Primary caregiver facilities shall be free from Infestation by insects, rodents, birds, or vermin of any kind.
2. Primary caregiver facilities shall produce no products other than usable marihuana intended for human consumption.
3. No primary caregiver facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

E. Licensing.

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

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where 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 facilities, 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 but not limited to, adult-use marihuana businesses, building, and zoning.

3.1206 Standards for Approval.

For consideration of adult-use marihuana business 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 satisfy the following criteria:

- A. The adult-use marihuana business will not impact surrounding residential neighborhoods.
- B. The adult-use marihuana business will provide easy access for persons with accessible parking.
- C. The adult-use marihuana business will be adequately served by utilities with sufficient capacity.
- D. The corridors and streets surrounding the adult-use marihuana business will have the capacity to accommodate Adult-Use Marihuana Business Overlay District's potential increases in traffic volumes.
- E. The adult-use marihuana business will demonstrate a safe and secure environment and uphold the public welfare of the community.
- F. The adult-use marihuana business will not add unintended or impromptu costs to City and municipal services.
- G. The adult-use marihuana business will 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 business 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 six (6) 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 a maximum of three (3) Designated Consumption Establishments permitted north of Huron Street and a maximum of three (3) 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 Huron Street and continuing South along Woodward and ending South of South Boulevard).

1. Not more than three (3) 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 (1) 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. Except in the Downtown Overlay District, 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. Except in the Downtown Overlay District (OVERLAY No. 3). All properties, 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. 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 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.

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.

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 otherwise 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 grower 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. 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 Overlay 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 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 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 eight percent (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 one (1) canopy tree, one (1) understory tree, and two (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 nine (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 2.1 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, 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

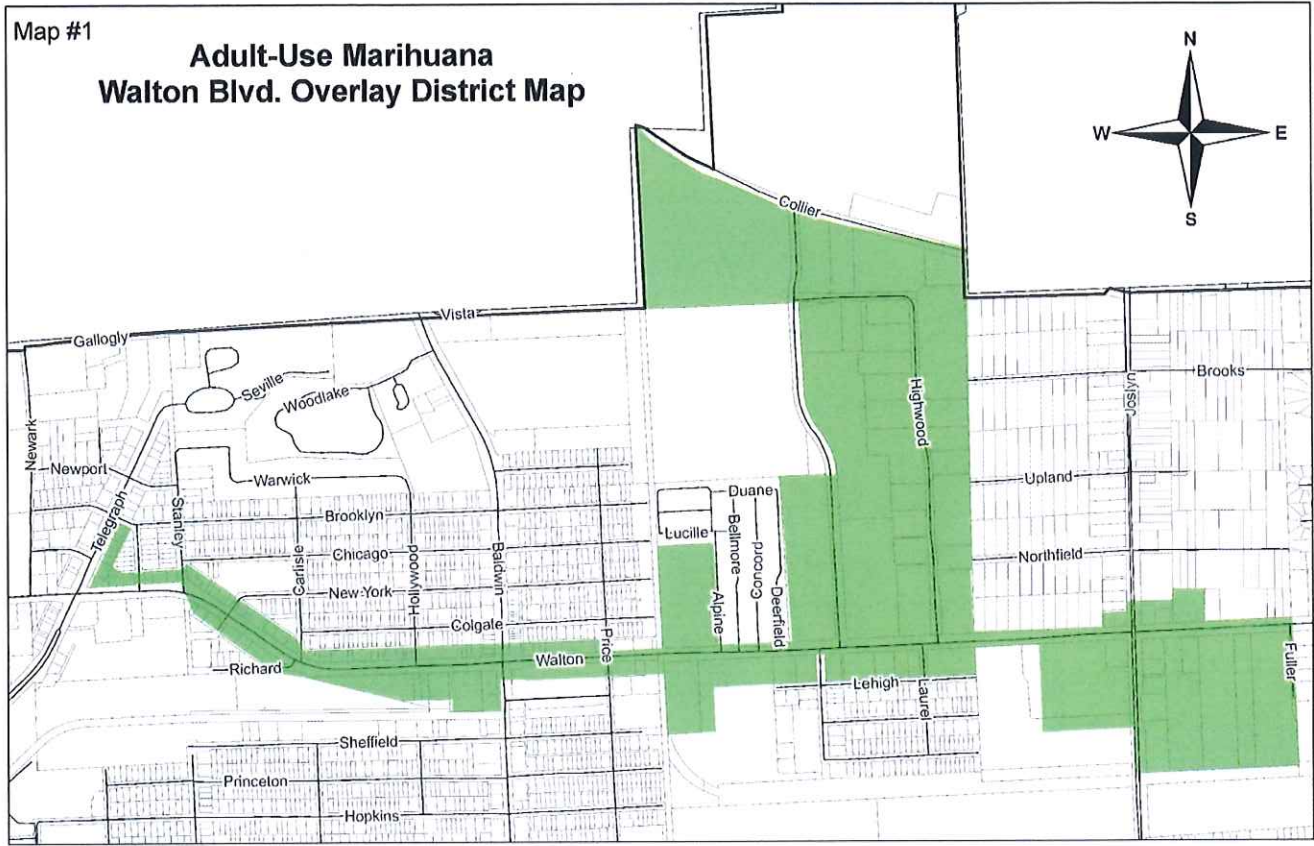
[Add] **MRTMA.** The Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, being Sections 333.27951 to 333.27967 of the Michigan Compiled Laws, and the administrative rules promulgated thereunder.

[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.

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 Huron Street and continuing South along Woodward and ending South of South Boulevard.), 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.



Adult-Use Marihuana Cesar Chavez Overlay District Map



Map #3

Adult-Use Marihuana Downtown Overlay District Map

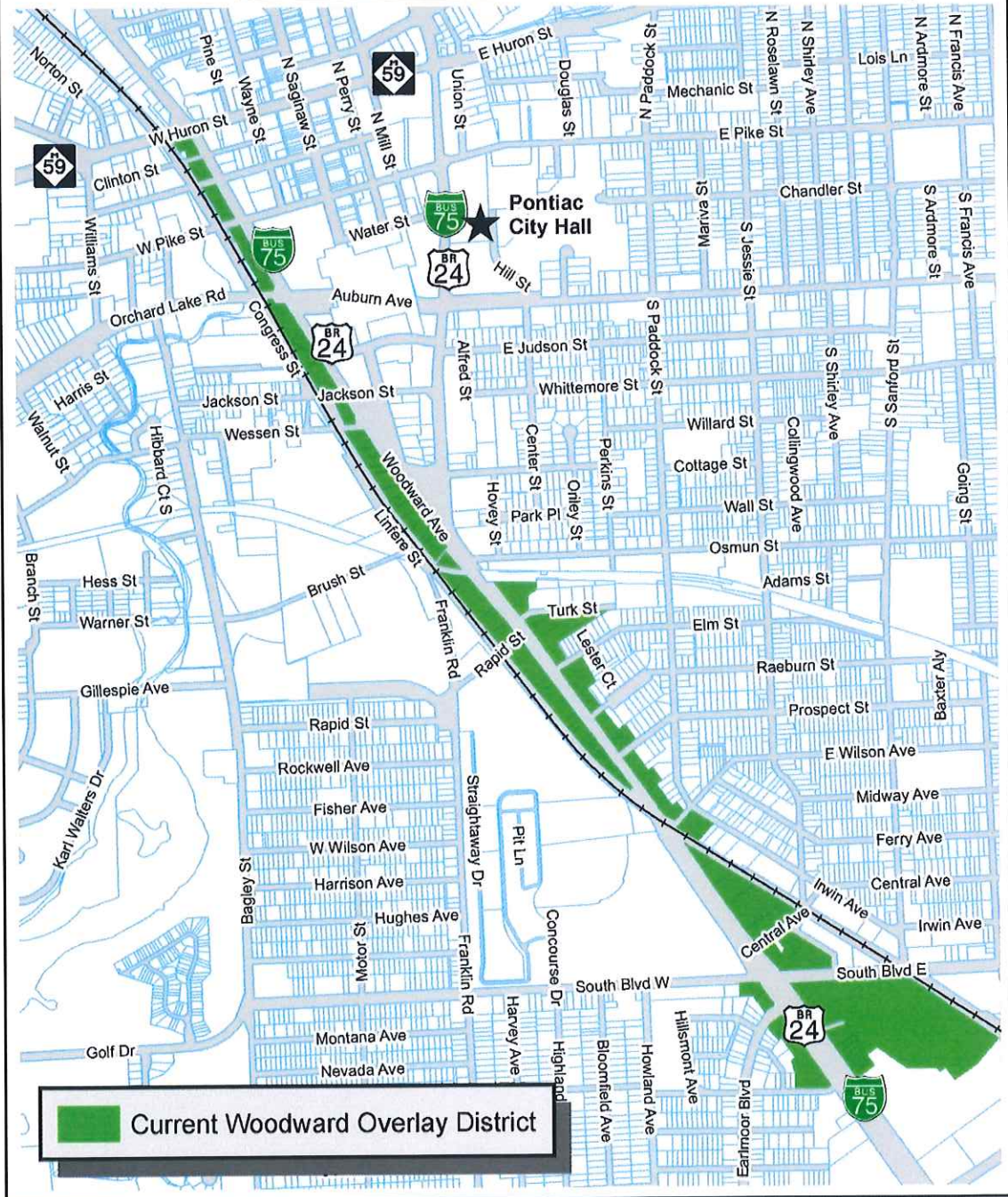


0 340 680 1,360 2,040 2,720 Feet

Map #4

Adult-Use Marihuana Woodward Avenue Overlay District Map

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



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 the 4th day of April, 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: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

Members Absent: None

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

Members voting yes: Carrington, Goodman, McGuinness, Nicholson and Parker

Members voting no: James

Members abstaining: Rutherford

Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

#8

ORDINANCE

Community Development Department

Rachel Loughrin, Director
Larry Domski, Building Official
Jack McIntyre, Code Enforcement Manager
Deborah Younger, Economic Development Manager
Mark Yandrick, Planning Manager



WILLOW INVESTMENT (*ADY PELEG*)– SUMMARY

I. Code Enforcement Violations:

- **126 Green St (A)** - E222810 Complaint – Parking on Grass
Date Filed: 11/23/2022 – **DATE CLOSED: 12/07/2022.**
Responsible Party: ADY PELEG
- **126 Green St** – E222809 Complaint – Vehicle Storage
Date Filed: 11/23/2022 – **DATE CLOSED: 12/07/2022.**
Responsible Party: ADY PELEG
- **17 Lake St** – E222549 Complaint – Abandoned Vehicle
Date Filed: 11/15/2022 – **DATE CLOSED: 11/15/2022.**
Responsible Party: ADY PELEG
- **192 W Longfellow Ave** –E222666 VIOLATIONS – Accumulation of Rubbish or Garbage
Date Filed: 11/17/2022. **Violation is still pending.**
 - E222669 VIOLATIONS – Front Yard Parking Prohibited
Date Filed: 11/17/2022. **Violation is still pending.**

	Address	Parcel Number
Go	699 BAY	64-14-22-276-009
Go	711 BAY	64-14-22-276-009
Go	974 BERWICK BLVD	64-14-31-455-025
Go	433 CAMERON AVE # 180 # 2	64-14-22-379-021
Go	945 EMERSON AVE	64-14-15-377-024
Go	GREEN ST B	64-14-32-102-025
Go	126 GREEN ST A	64-14-32-102-025
Go	126 GREEN ST	64-14-32-102-025
Go	17 LAKE ST	64-14-32-156-009
Go	19 LAKE ST	64-14-32-156-010
Go	192 W LONGFELLOW AVE	64-14-17-301-041
Go	136 MARQUETTE ST	64-14-21-303-005
Go	394 ORCHARD LAKE RD	64-14-32-108-030
Go	256 ROCKWELL AVE	64-14-32-429-032
Go	73 N SANFORD ST	64-14-28-409-014
Go	247 STATE ST	64-14-29-305-002
Go	58 VIRGINIA ST A	64-14-20-406-034
Go	58 VIRGINIA ST B	64-14-20-406-034
Go	58 VIRGINIA ST	64-14-20-406-034
Go	179 W WILSON AVE	64-14-32-477-015



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: March 6, 2023

RE: Zoning Map Amendment
484 Auburn
Tax Parcel ID #14-33-205-021/22

Executive Summary:

The applicant is proposing to rezone a parcel that is 24,000 sq. ft. in size from C-1 Local Commercial to C-3 Corridor Commercial. The request is for a vehicle storage facility but the property owner is looking at the long term viability of the site. The site is located on the southwest corner of Auburn and S. Francis St. There are properties zoned C-3 along the frontage of Auburn between Sanford St. and ML King Blvd. The Master Plan designates the subject site as well as other areas along Auburn as Mixed Use, although with a focus on pedestrian and neighborhood scale business on this block.

Overview / Project Description:

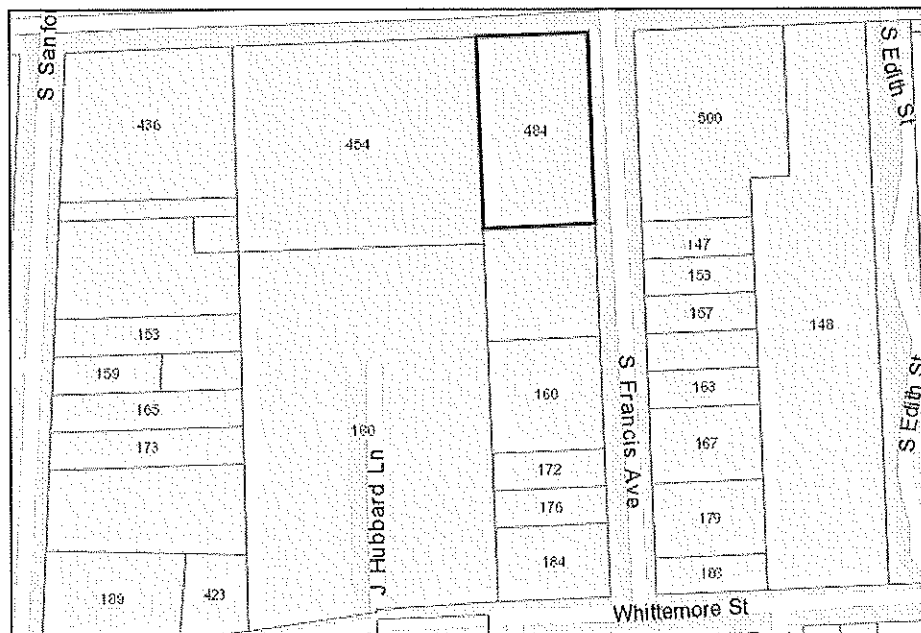
The subject site is 24,000 sq. ft. in size(approximately ½ acre) located on the southwest corner of Auburn and St. Francis Street. There is an existing building on the site. The site is currently zoned C-1 Local Commercial which permits a variety of residential, retail, office and service uses intended to serve surrounding residential areas. The C-3 Corridor Commercial District is intended to serve a much broader market area. While C-3 permits similar uses as C-1, it also permits industrial and quasi-industrial uses.

Figure 1 – Aerial View of 484 Auburn



Oakland County Property Gateway 2020

Figure 2 – Parcel View of 484 Auburn



Oakland County Property Gateway 2020

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 Master Plan designates the Auburn corridor in proximity to the subject site as mixed use. The Mixed Use category recognizes that historical patterns of industrial use located adjacent to residential was potentially harmful to the viability of neighborhoods. At the same time, the Master Plan recognizes the need to encourage the redevelopment of older buildings along corridors such as Auburn. The current C-1 District does permit a variety of uses that would be compatible with the goals of the 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:

From a physical, natural or environmental perspective, the site does not present any unique features or obstacles for development.

- 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:

The C-1 District allows for a wide variety of uses. There is no evidence that the property cannot be reasonably used as currently zoned.

- 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:

Given the setting in close proximity to neighboring residential use, a rezoning to C-3 could introduce more intensive uses that are incompatible with a neighborhood environment.

- 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 City Engineer will need to comment on the adequacy of public utilities, but it does not appear that uses that are currently permitted in the C-1 District present an inordinate burden on utilities.

- 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:

Auburn Rd. is a major corridor with existing commercial use. Some of the potential uses permitted in the C-3 District could introduce both traffic volumes and characteristics that may be incompatible with the City's goals of promoting neighborhood preservation in a mixed-use environment.

- 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 boundaries are confined to a single property which is currently zoned C-1. The building is existing but no additional information is provided whether the applicant intends to use the building or redevelop the site.

- H. **If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.**

Comments:

Given that the site is currently zoned C-1 which permits reasonable use, the requested rezoning would not be considered to be a more appropriate category.

- 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:

The request is not for a specific use or even limited use of the property. Section 6.807 permits an applicant to request a rezoning with conditions.

J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Comments:

Given that there are other C-3 properties located on Auburn Road, the requested rezoning does represent an isolated case. However, it does represent a circumstance where potential incompatibles uses can be established.

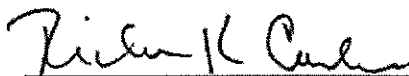
Staff Recommendations:

Without further information, there is little to support this application. The current C-1 zoning allows for a variety residential, retail, office and service uses that would be more compatible for surrounding residential uses. The applicant has the opportunity to submit conditions that would eliminate uses that would be incompatible with a residential environment.

Planning Commission Recommendation

At it's March 15, 2023 meeting, Planning Commission considered this zoning map amendment in a public hearing. During the question and answer with the applicant, the applicant shared a different use, an art wholesale and distribution facility, that had not been shared with staff previously. While a rezoning to C-3 is still necessary for this use, the applicant voluntarily offered two (2) conditions related to the rezoning:

1. No heavy machinery will be used at the site.
2. No outside storage other than the use a dumpster.



CARLISLE/WORTMAN ASSOC., INC

Richard K. Carlisle, FAICP

Past President/Senior Principal

Edits by: Mark Yandrick

City of Pontiac Planning Manager

**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 CHANGE THE ZONING CLASSIFICATIONS FOR SPECIFIC PARCELS ON THE SOUTH SIDE OF AUBURN BETWEEN WOODWARD AND MARTIN LUTHER KING, SUBJECT TO THE AGREED UPON CONDITIONS.

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 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description, commonly referred to as 484 Auburn, Parcel ID: 14-33-205-021/22, from C-1 Local Business to C-3 Corridor Commercial with CR Conditional Rezoning, this Amendment is subject to the Conditions as described in Section 3.

Provided Legal Description:

T3N, R10E, SEC 33 OSMUN GARDENS NO. 2 LOTS 4 TO 8 INCL

Section 2. Conditions.

Said amendment is conditioned as provided in the voluntarily agreed Conditional Rezoning Agreement entered into between the City of Pontiac and 484 Auburn, LLC, which include:

- a) No heavy machinery will be utilized on the premises; and
- b) The property will not utilize any outside storage except for dumpsters.

If the conditions as described above, and any other conditions as provided in the Conditional Rezoning Agreement, are not adhered to, the property in this Amendment will revert back to C-1 Local Business.

Section 3. 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 4. 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.

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:

#9

RESOLUTION

**Resolution of the Pontiac City Council
To Authorize Mayor to Execute Conditional Rezoning Agreement
regarding 484 Auburn Avenue**



Resolution to Authorize Mayor to Execute Conditional Rezoning Agreement regarding 484 Auburn Avenue.

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 _____, 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, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance Map to conditionally rezone 484 Auburn Avenue; specifically to amend the Zoning Ordinance Map which list 484 Auburn Avenue as C-1 Local Business to C-3 Corridor Mixed Use District in accordance with the Conditional Rezoning Agreement.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to reject the Planning Commission's Recommendation and approve the amendments to the Zoning Ordinance Map as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby authorizes the Mayor to Execute the Conditional Rezoning Agreement regarding 484 Auburn Avenue.

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 _____, 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: April ____, 2023

By: _____
Its: City Clerk

**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, with its offices located at 47450 Woodward Ave., Pontiac, MI 48342 (the “**City**”), and 484 Auburn, LLC (“**484 Auburn**”) with its principal office located at 4301 Orchard Lake Rd., Ste. 180-225, West Bloomfield, MI 48323.

THE PARTIES RECITE THAT:

WHEREAS, the 484 Auburn owns certain parcels of real property located within the City of Pontiac, which is commonly described as follows:

484 Auburn Ave., Pontiac, MI 48342

WHEREAS, 484 Auburn seeks re-zoning of the property described in **Exhibit A**. The Property is currently zoned as Local Business (C-1) and 484 Auburn is requesting that the property be rezoned to Corridor Mixed Use District (C-3).

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 484 Auburn, may become a condition of rezoning of the Property; and

WHEREAS, the 484 Auburn submitted the Application for Conditional Rezoning, which was supplemented by the Offer of Conditions on March 15, 2023 all attached as **Exhibit B** (collectively “**Application**”), voluntarily offering, in writing, certain conditions to rezone the Property as set forth above, subject to the conditions of this Agreement; and

WHEREAS, the City Planning Commission on _____, 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 _____, voted to approve the request for Conditional Rezoning 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 484 Auburn 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(s) Local Business (C-1) to Corridor Mixed Use District (C-3) as set forth above, with conditions as approved by the City Council based upon the 484 Auburn's Offer of Conditions, subject to and in accordance with this Agreement, unless this Agreement is amended by mutual agreement of the City and 484 Auburn, following public hearing, or unless the 484 Auburn 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. 484 Auburn 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 the 484 Auburn'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 in Section C 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 Corridor Mixed Use (C-3) above, as limited by 484 Auburn'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 484 Auburn has voluntarily offered the following condition in consideration for the City's granting of the rezoning:

- i. 484 Auburn, its respective successors, assigns, and transferees, shall not utilize any heavy machinery on the premises; and

- ii. 484 Auburn, its respective successors, assigns, and transferees, shall not utilize any outside storage except for dumpsters.

D. **Acknowledgement.** 484 Auburn hereby acknowledges that the rezoning with conditions was proposed by the 484 Auburn 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, 484 Auburn further agrees and acknowledges that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and 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. 484 Auburn 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 conditional rezoning 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 484 Auburn to obtain preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as applicable.
- iv. That, in the event that 484 Auburn fails to adhere to the conditions above, the property in this Agreement will revert back to Local Business (C-1) .

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 the conditional rezoning agreement shall be void and of no effect. 484 Auburn 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. 484 Auburn 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. 484 Auburn 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.

3. **RECORDATION.** This Rezoning shall become effective following publication in the manner provided by law and recording of the conditional rezoning agreement with the County Register of Deeds.

4. **DEFAULT.** If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning 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 the conditional rezoning 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 484 Auburn 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 then, by written notice given by the City to the 484 Auburn within three (3) months following such failure by the 484 Auburn, 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 484 Auburn 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 484 Auburn 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 484 Auburn, 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 the 484 Auburn.

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 the 484 Auburn 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 the 484 Auburn, by the members thereof, 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 484 Auburn 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]

WITNESSED:

SIGNED:

CITY OF PONTIAC

By: Tim Greimel
Its: Mayor

WITNESSED:

SIGNED:

484 AUBURN MI

By:
Its:

Approved as to Form:

By: _____
Its: _____

EXHIBIT A
(Legal Description)

EXHIBIT B

Copy of Application for Conditional Rezoning

(See following pages)

#10

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION

Recognizing April 24, 2023 as Armenian Genocide Remembrance Day

Whereas, 1.5 million men, women, and children of Armenian descent were victims of the genocide perpetrated by the Ottoman Empire in 1915, and thereafter; and,

Whereas, the killing of the Armenian people was accompanied by the systematic destruction of churches, schools, libraries, treasures of art, and cultural monuments in an attempt to eliminate all traces of the civilization with a history of more than three thousand years; and,

Whereas, there is great value in raising awareness about this dark chapter in the history of humanity, not only because it is an undeniable fact in world history, but also because learning more about this unconscionable tragedy will better help us understand the necessity of eliminating hatred; and,

Whereas, Pontiac has been home to Armenian residents and business owners for more than a century, including families that fled the genocide and relocated to America, settling in our Pontiac community; and,

Whereas, each year Armenians throughout the world honor those who perished from 1915 to 1923, with April 24th acknowledged as the Armenian Genocide Remembrance Day by many governmental bodies and municipalities; now,

Therefore, Be It Resolved, the Pontiac City Council hereby recognizes April 24, 2023 as Armenian Genocide Remembrance Day in the City of Pontiac; and further

Resolved, we pause to reflect on the brutality of this chapter in world history, and remember the lives lost during the Armenian Genocide; and further

Resolved, the City Council acknowledges, respects, and celebrates the integral role of the Armenian-American community in our economy, culture, and identity of the United States and our home of Pontiac, Michigan.

Pontiac City Council • Pontiac, Michigan • April 11, 2023

Mike McGuinness, *Council President*

Mikal Goodman, *Councilmember*

Brett Nicholson, *Councilmember*

Melanie Rutherford, *Councilmember*

William A. Carrington, *President Pro Tem*

Kathalee James, *Councilmember*

William Parker, Jr., *Councilmember*

#11

RESOLUTION



OFFICIAL MEMORANDUM

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director of Grants & Philanthropy

DATE: March 28th, 2023

RE: Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDW Mowers, \$10,998 to account number 285-458-977.009-ARPDW Trailers, and \$2,000 to account number 285-458-977.008-ARPDW Special Equipment.

In March of 2021, President Biden signed the American Rescue Plan Act into law. This act is meant to provide aid to both state and local governments, and to promote local communities' recovery and revitalization following the impacts of COVID-19. The City of Pontiac was allocated \$37.7 million from the American Rescue Plan Act. 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.

In an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City allocated \$5,221,320 to various infrastructure projects permissible under the final rules from the United States Treasury. On November 10th 2022, the Pontiac City Council unanimously approved the Executive Administration's ARPA program budget, allocating \$5,221,320 to this activity with, dedicating \$1,000,000 for pedestrian enhancements and the Department of Public works. The objective of the aforementioned resources is to help mitigate the impacts of COVID-19 on the community.

The administration is proposing the purchase of 8 mowers, 2 trailers, and other special equipment to aid the Department of Public Works staff in blight removal and park maintenance. The cost breakdown can be reviewed below.

Project Code	Program Expense	Amount
ARPDW	2 Mowers - 48" V-Ride II / 23hp Kohler	\$ 17,002.00
ARPDW	6 Mowers - EFI 61" Turf Tiger II / 38hp Kohler EFI	\$ 82,212.00
ARPDW	2 Trailers - 2023 Sure Trac. 7x18 TTOP 7k TAN	\$ 10,998.00
ARPDW	Weed Whips & Blowers	\$ 2,000.00



Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDWP Mowers, \$10,998 to account number 285-458-977.009-ARPDWP Trailers, and \$2,000 to account number 285-458-977.008-ARPDWP Special Equipment.

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 \$1,000,000 to pedestrian enhancements and DPW Support; and,

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the administration is proposing the purchase of 8 mowers, 2 trailers, and other special equipment to aid the Department of Public Works staff in blight removal and park maintenance; and,

WHEREAS, the following budget amendment reflects funding for the associated costs, and;

WHEREAS, the budget amendment will increase the budgeted appropriations in the amount of \$112,212, representing the purchase of the aforementioned equipment.

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDWP Mowers, \$10,998 to account number 285-458-977.009-ARPDWP Trailers, and \$2,000 to account number 285-458-977.008-ARPDWP Special Equipment.

#12

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 23, 2023

RE: **Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023.**
Increase the appropriation in the following GL accounts:
249-371-702.000 – Salaries & Wages -\$19,140,
249-371-715.000 – FICA City Contribution - \$1,465
249-371-716.000 – Medical Insurance - \$3,000
249-371-718.500 – MERS Employer Contribution - \$975

The Building Inspection Division is in urgent need of an Inspector to work in the ARPA Housing Rehabilitation Program. If approved, this Inspector will be paid an annual salary of \$76,550.

We require additional funding for the period from April through June in the current fiscal year to pay for this essential service.

We are requesting an increase in the budget appropriations in the following GL line items:

249-371-702.000 – Salaries & Wages	\$19,140
249-371-715.000 – FICA City Contribution	\$1,465
249-371-716.000 – Medical Insurance	\$3,000
249-371-718.500 – MERS Employer Contribution	\$975
Net Decrease in the Building Inspection Fund Balance	<u>\$24,580</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:

249-371-702.000 – Salaries & Wages -\$19,140,
249-371-715.000 – FICA City Contribution - \$1,465
249-371-716.000 – Medical Insurance - \$3,000
249-371-718.500 – MERS Employer Contribution - \$975

WHEREAS, the Building Inspection Division is in urgent need of an Inspector to work in the ARPA Housing Rehabilitation Program.; and

WHEREAS, the Building Inspector is proposed to be paid at an annual salary of \$76,550:

WHEREAS, the Building Division require additional funding for the period from April through June in the current fiscal year to pay for this essential service; and

NOW, THEREFORE, BE IT RESOLVED that the budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows for the Building Division:

The appropriation for GL Account number 249-371-702.000 – Salaries & Wages - shall be increased by \$119,140.

The appropriation for GL Account number 249-371-715.000 – FICA City Contribution - shall be increased by \$1,465.

The appropriation for GL account number 249-371-716.000 – Medical Insurance - shall be increased by \$3,000.

The appropriation for GL account number 249-371-718.500 – MERS Employer Contribution - shall be increased by \$975.

BE IT FURTHER RESOLVED that the total increase in appropriation for these four (4) items for the Building Division shall be \$24,580.

#13

RESOLUTION

CITY OF PONTIAC OFFICIAL MEMORANDUM

TO: The Honorable Pontiac City Council

FROM: Alexandra Borngesser, Director of Grants & Philanthropy

DATE: April 11, 2023

RE: **Resolution to approve the City of Pontiac's application submission to the Environmental Justice Government-to-Government Grant Program through the U.S. Environmental Protection Agency Office of Environmental Justice and External Civil Rights**

EXECUTIVE SUMMARY

The Executive Office of Mayor Tim Greimel kindly requests the approval of the City of Pontiac's application submission to the Environmental Justice Government-to-Government Grant Program through the U.S. Environmental Protection Agency Office of Environmental Justice and External Civil Rights. The Environmental Justice Government-to-Government Program (EJG2G) focuses on projects that support and/or create model state, tribal, local, and territorial government activities that lead to measurable environmental or public health results in communities disproportionately burdened by environmental harms and risks. These projects will help transform disadvantaged and underserved communities into healthy, thriving communities capable of addressing the environmental and public health challenges they have historically faced, as well as current and future challenges. The City of Pontiac will submit an application to the EJG2G program to fund blight remediation and prevention work related to public dumping.

Resolution on Following Page



CITY OF PONTIAC CITY COUNCIL

Resolution to approve the City of Pontiac's application submission to the Environmental Justice Government-to-Government Grant Program through the U.S. Environmental Protection Agency Office of Environmental Justice and External Civil Rights

WHEREAS, the City of Pontiac desires to submit an application to the Environmental Justice Government-to-Government Grant Program through the U.S. Environmental Protection Agency Office of Environmental Justice and External Civil Rights; and,

WHEREAS, the grant program requires that the City of Pontiac certify compliance with all Grant Program requirements; and,

WHEREAS, The City of Pontiac will submit an application to the EJG2G program to fund blight remediation and prevention work related to public dumping; and,

WHEREAS, the grant program does not require matching funds.

THEREFORE, BE IT RESOLVED that the Pontiac City Council hereby authorizes participation in the Environmental Justice Government-to-Government Grant Program through the U.S. Environmental Protection Agency Office of Environmental Justice and External Civil Rights.

#14

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President, and City Council Members

FROM: Alicia Martin, Purchasing Manager

DATE: April 5, 2023

RE: REQUESTING COUNCIL'S APPROVAL TO AWARD THE BID TO A PRE-QUALIFIED LIST OF ABATEMENT CONTRACTORS FOR THE HOME REPAIR PROGRAM AND TO EXECUTE AN AGREEMENT FOR A NOT-TO-EXCEED AMOUNT OF \$250,000 ANNUALLY (PER FISCAL YEAR). THE HOME REPAIR PROGRAM WILL SERVICE 45 HOMES IN PONTIAC AT A PER UNIT COST OF \$25,000 FOR ALL SERVICES INCLUSIVE OF GENERAL CONTRACTOR, ABATEMENT, AND ASSESSORS).

The Purchasing Division facilitated the competitive bid process, in concert with the Economic Development Manager, for Abatement Services for the City's Home Repair Program. The solicitation was posted on 2/28/2023 and closed on 3/27/2023. A total of 26 firms partially or completely downloaded the solicitation documents. A total of three firms submitted a proposal for prequalification. The purchasing assistant has verified contractors' references to ensure contractors met the City's licensing and insurance requirements. As a result, the Economic Development Manager and Purchasing Manager request that Council approves the establishment of a list of pre-qualified contractors, award the bid to those contractors, and execute an agreement. The pre-qualified list of contractors is as follows:

- Metropolitan Environmental, LLC
 - Farmington Hills, MI – Lead Abatement Certification
- CTI Contractor Services, LLC
 - White Lake, MI – Woman-Owned Business – Lead & Asbestos Supervisor – - Certification
- Lake Star Construction Services, Inc.
 - Detroit, MI – Lead Abatement Workers & Supervisors - Certification

The City of Pontiac will execute an agreement with only those contractors who receive a City of Pontiac Income Tax Clearance in accordance with 110-71 Uniform city income tax ordinance. The Home Repair Program is a City pilot program that will award \$1,100,000 in contracts in the first year (2023-2024) to repair 45 homes within the City of Pontiac. A contractor's contract will not exceed \$250,000 annually (per fiscal year). The contractors may bid on defined scopes of work for the Home Repair Program once the scopes of work are complete.

WHEREAS, The Purchasing Division has completed its due diligence by requesting a contract in accordance with the City's municipal code, Division II. Purchasing, Section 2-519;

WHEREAS, the Purchasing Manager is requesting to establish a three-year agreement with contractors, which covers the same period of The Home Repair Program;

NOW, THEREFORE, The Pontiac City Council approves the bid award and that the mayor executes a three-year agreement, with options to renew, with Metropolitan Environmental, LLC, CTI Contractor Services, LLC, and Lake Star Construction Services, Inc.

AM