

## **PONTIAC CITY COUNCIL**

**President Mike McGuinness, District 7**  
**Pro Tem William A. Carrington, District 6**  
**Melanie Rutherford, District 1**  
**Brett Nicholson, District 2**  
**Mikal Goodman, District 3**  
**Kathalee James, District 4**  
**William Parker, Jr., District 5**



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Jonathan Starks, MiPMC, Deputy City Clerk

Phone: (248) 758-3200

**116<sup>th</sup> Session of the 11<sup>th</sup> Council – Tuesday, November 14, 2023, at 6:00 p.m.**

Meeting Location: City Council Chambers, Pontiac City Hall, 47450 Woodward Pontiac, Michigan 48342

### **MEETING AGENDA**

**Call to Order**

**Invocation**

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call of Councilmembers**

**Authorization to Excuse Councilmembers from the Meeting**

**Amendments to and Approval of the Agenda**

**Approval of the Consent Agenda**

- A. November 6, 2023 Economic Development, Housing and Planning Subcommittee Minutes
- B. November 7, 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**

**Ordinances**

- 8. Adoption of an Ordinance to Amend the City of Pontiac Zoning Ordinance to Allow Two-Family Dwellings, Smaller One-Family Dwellings, and Accessory Dwelling Units in Designated Residential Infill Overlay Districts and Uses to Include: Article 2, Chapter 2, Section 2.204, Table 2; Article 3, Chapter 12, Sections 3.1201 Through 3.1205, to Add Chapter 12 Regarding Residential Infill Overlay District. Article 7, Chapter 2, Section 7.201, to Add Definitions Regarding Two-Family Dwellings, and Smaller One-Family Dwellings  
**(Second Reading)**

9. Adoption of 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 **(Second Reading)**
10. Resolution to Approve First Reading of Zoning Text Amendment to Amend Article 2, Chapter 2, Section 2.204, Table 2 to add the Mobile Food Parklet Overlay District; Article 2, Chapter 5, Section 2.542 regarding Temporary Uses; Article 2, Chapter 5, Section 2.544 regarding Mobile Food Vendors; Article 2, Chapter 5, Section 2.551 to add a Section regarding Mobile Food Parklets; Article 7, Chapter 2, Section 7.207 to add definitions regarding Temporary Uses, Mobile Food Vendors, and Mobile Food Parklets **(First Reading)**
11. Resolution to Approve First Reading of Zoning Text Amendment to Amend Article XIXa, Chapter 26, Sections 26-1030 through 26-1037 to amend regulations for mobile food vendors in the City **(First Reading)**

## **Resolutions**

### **City Council**

12. Resolution Commending State Supplemental Funding for Pontiac Schools

### **Finance Department**

13. Resolution to Engage Baird for purposes of improving the City's credit rating and to provide advice and guidance on financial and financial options

### **Purchasing Division**

14. Resolution to Approve Awarding Print, Design & Mailing Services Contract to the Original Print Shoppe of Pontiac

## **Public Comment (Three Minutes Time Limit)**

## **Discussions**

15. Road Improvements Planned for State Street, as well as Dr. Martin Luther King, Jr. Boulevard between Perry Street and M-59. Informational Meeting with Details on the Planned Improvements is Wednesday, November 15, 2023 from 3:00 to 6:00 pm at City Hall in the Council Chambers.
16. Pontiac Small Business Program Upcoming Informational Town Halls, Join to Discuss this New Program and Upcoming Funding Opportunities for Technical Assistance: Wednesday, November 29, 2023 from 8:30 to 10:00 am at City Hall Council Chambers; Friday, December 1, 2023 from 12:00 to 1:30 pm at City Hall Council Chambers; Wednesday, December 6, 2023 from 6:00 to 7:30 pm at the Bowens Senior Center. For more information, call (855) 925-8696, email [grants@pontiac.mi.us](mailto:grants@pontiac.mi.us) or visit [pontiac.mi.us/smallbusiness](http://pontiac.mi.us/smallbusiness)

## Public Communications

### City Council

17. The Art Experience Glimpse & Glimmer Gala, Thursday, November 16, 2023, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac.
18. Dixon's Violin Live, November 17, 2023, at 7:00 pm, held at Pontiac's Little Arts Theatre, 47 N. Saginaw Street in Downtown Pontiac.
19. CNS Healthcare Turkey Distribution, Saturday, November 18, 2023 at 10:00 am, lineup beginning at 9:45 am and first come first served while supplies last, held at the Pontiac City Hall Parking Lot
20. Center for Pontiac Entrepreneurship's Entrepreneurship 301 Course on Writing a Business Plan, November 18, 2023 and December 2, 2023 from 10:00 am to 2:00 pm, held at 4 N. Saginaw Street in Downtown Pontiac, free for Pontiac residents, call (248) 246-6620 for more information or visit [www.centerforpontiac.com](http://www.centerforpontiac.com)
21. Pontiac District One Coat and Turkey Drive, Saturday, November 18 from 1:00 to 3:00 pm, held at Pontiac City Hall. Contact: City Councilwoman Melanie Rutherford for more information.
22. Small Business Saturday Initiatives Throughout Pontiac, Saturday, November 25, 2023, Shop Local to Support Pontiac's Entrepreneurs
23. Pontiac District One Community Meeting, Saturday, November 25 at 3:00 pm, held at the Alley Cat, 31 N. Saginaw Street in downtown Pontiac. Contact: City Councilwoman Melanie Rutherford for more information.
24. Next Pontiac District Two Community Advisory Group meeting is Monday, November 26 at 7:00 pm, held at Goldner Walsh Garden and Home, 559 Orchard Lake Road in Pontiac.
25. Oakland University Global Jam Night at Pontiac's Little Arts Theatre, Thursday, December 7 at 7:00 pm, the PLAT is located at 47 N. Saginaw Street in Downtown Pontiac. For more information, contact Montrell Barnett at (248) 525-0821.
26. Historic Christmas Open House Friday and Saturday, December 9 and 10, 2023 from 12:00 to 4:00 pm each day, held at the Oakland History Center, 405 Cesar E. Chavez Avenue in Pontiac.
27. Pontiac District One Holiday Fellowship Gathering, Saturday, December 16, held at the Bowens Senior Center, 52 Bagley Street in Pontiac.
28. The SteelDrivers Concert at the Flagstar Strand Theatre, Friday, February 16, 2024. Doors Open at 7:00 pm, Show at 8:00 pm. Tickets are now available. The Strand is at 12 N. Saginaw in Downtown Pontiac.

### Mayor's Office

29. Ruth Peterson Senior Center is Temporarily Closed to Allow for Renovation Project's Latest Phase, please use the Robert Bowens Senior Center for the next week
30. Downtown Pontiac Parking Enforcement has now Resumed, Parking Kiosks are Activated and Mobile App "Passport" Payment Option is Live
31. Residents Encouraged to Complete Online Survey for Pontiac Youth Recreation Center Amenities
32. Pontiac Career Fair, Friday, December 1, 2023 from 12:00 to 3:00 pm, held at 76 Williams Street, Pontiac 48341, Open Positions include Building Inspector, Department of Public Works Director, Code Enforcement Officer, Economic Development Specialist, and more

33. Holiday Extravaganza Parade and Winter Festival on December 2, 2023, festivities begin at 8am with Elf Run, Parade at 11am, followed by the Winter Festival from 12-3pm.

City Clerk's Office

34. Charter Revision Commission Meeting on Thursday, November 16, 2023, at 6:00 p.m. in the City Council Chambers
35. Local Officers Compensation Commission Meeting on Monday, November 20, 2023, at 6:00 p.m. in the City Council Conference Room

**Closing Comments**

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

**Adjournment**

# CONSENT AGENDA A



## Pontiac City Council

### Economic Development, Housing and Planning Subcommittee

Pontiac City Council  
Economic Development, Housing and Planning Subcommittee  
November 6, 2023  
9:00 a.m.

Location: Pontiac City Hall, Legislative Conference Room  
47450 Woodward Avenue  
Pontiac, Michigan 48342

Committee Members: Mike McGuinness, Melanie Rutherford, and Brett Nicholson (Absent)

Others Present: Mark Yandrick, Jack McIntyre, Sherikia Hawkins, Mayor Tim Greimel, Rachel Loughrin, and Alexandra Borngesser

The meeting started at 9:05 a.m.

Parking Enforcement has begun. As the parking enforcement progresses staffing may need to be adjusted. There will be a request for more Sheriff's presence downtown during the weekend. An update was given on the Motel on Luther and Franklin. Other items discussed was Code Enforcement tickets going through CLEMIS. There will be recommendations for Abatement Companies and for next year Request for Proposals will go forward for Snow and Grass.

Jack McIntyre provided a code enforcement update: Year to Date Statistics:

6546 Rental Inspections  
16,584 Code Violations  
1,899 Grass Violations

Glenwood Plaza update, fences went up last week and the gates should go up this week. Rubish was taken away in 20 30-yard dumpsters, 3 Semi-trucks, 2 boats, and 4 cars.

Alexandra Borngesser presented an update with a timeline on the Pontiac Business Program Timeline. (Technical Assistance Program)

An update was given on several problematic properties.

There was no public comment.

Meeting ended at 10:06 a.m.

# **CONSENT AGENDA B**



November 7, 2023, Draft

**Official Proceedings  
Pontiac City Council  
115<sup>th</sup> 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, November 7, 2023, at 6:03 p.m. by Council President Mike McGuinness.

**Invocation** – Pastor Kathy Dessureau – Pontiac, Michigan

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

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

Mayor Tim Greimel was present.  
A quorum was announced.

**Excuse Councilmembers**

**Motion to excuse Councilman Pro-Tem William Carrington for personal reasons.**

Moved by Councilperson Rutherford and second by Councilperson Parker.

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

No: None

**Motion Carried**

**Amendments to and Approval of the Agenda**

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

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

No: None

**Motion Carried**

**Consent Agenda**

23-387      **Resolution to approve the consent agenda for November 7, 2023.** Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS, the City Council has reviewed the consent agenda for November 7, 2023.  
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for November 7, 2023, including November 2, 2023, City Council Meeting Minutes.

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

No: None

**Resolution Passed**

**Recognition of Elected Officials** – Kermit Williams – Vice Chair of the Charter Revision Commission and Beatrice Wright – Precinct Delegate

**Agenda Address**

1. Beatrice Wright addressed items #2 and #6
2. Carlton Jones addressed items #1 and #2
3. Dr. Deirdre Waterman addressed items #3 and #4
4. Pastor Kathy Dessureau addressed item #1

**Agenda Items**

**Ordinance**

**2427 Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

**Motion to table Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects. (Second Reading)** Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

No: None

**Motion Carried**

**23-388 Resolution to Approve First Reading of Zoning Ordinance Text Amendment to Amend Section 2.303, Section 2.551, Section 2.552, Section 2.553, Section 2.554, Section 2.555, Section 2.556, Section 2.557, Section 2.559, Section 3.1208 regarding Marihuana and Care Givers Amendment. (First Reading)** Moved by Councilperson Nicholson and second by Councilperson Goodman.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the following sections of the City of Pontiac Zoning Ordinance: Section 2.303, Section 2.551, Section 2.552, Section 2.553, Section 2.554, Section 2.555, Section 2.556, Section 2.557, Section 2.559, Section 3.1208.

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

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments to the City of Pontiac's Zoning Ordinance as presented to the city Council on November 7, 2023.

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

No: None

Abstain: Rutherford

**Resolution Passed**

November 7, 2023, Draft

**Motion to pull Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects from the table. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

**Motion Carried**

2427 **Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

**Ordinance Adopted**

Councilwoman Rutherford was absent for the vote.

**\*\*See Ordinance #2427 as Exhibit A after the minutes\*\***

## **Resolutions**

City Council

23-389

**Resolution recognizing November 11 as Veterans Day in the City of Pontiac.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, it is with sincere gratitude that the Pontiac City Council recognizes November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and remembering those who have served the United States military; and,

WHEREAS, in the intervening year, the United States has been involved in subsequent military conflicts, which have added millions of veterans living and dead to the honor rolls of this Nation; and,

WHEREAS, Congress passed a concurrent resolution on June 4, 1928 (44 Stat. 1962), calling for the observance of November 11 with appropriate ceremonies, and later provided in an act approve May 13, 1938 (52 Stat. 351), that the eleventh of November should be a legal holiday and was then commonly known as Armistice Day; and,

WHEREAS, in order to expand the significance of that commemoration and in order that a grateful nation might pay appropriate tribute to the veterans of all wars who have contributed so much to the preservation of this Nation, the Congress, by an act approved June 1, 1954 (68 Stat. 168), changed the name of the holiday to Veterans Day; and, Whereas, many residents of Pontiac have served the United States in the military; now,

THEREFORE, BE IT RESOLVED, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes November 11, 2023, as Veterans Day in Pontiac; and

FURTHER RESOLVED, the City Council calls upon the citizens of Pontiac to observe November 11 as Veterans Day and, on that day, let us remember the sacrifices of those who fought so courageously on the seas, in the air, and on foreign shores to preserve our freedom and let us commit ourselves to the task of promoting an enduring peace, so that their efforts shall not have been in vain.

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

No: None

**Resolution Passed**

November 7, 2023, Draft

23-390      **Resolution Recognizing Modesto De La O for his National Commendation by the Veterans of Foreign Wars.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, Mr. Modesto De La O is a resident of Pontiac, Michigan and grew up in the community as well, graduating from Pontiac's public schools; and,  
WHEREAS, Mr. De La O is a United States Marine Corps veteran, and is a member and past post commander of Veterans of Foreign Wars Post 1370 located in Pontiac; and,  
WHEREAS, Mr. De La O has undertaken substantial community service to support his fellow veterans, continuously worked to support the Michigan National Guard, advocated for incarcerated veterans, and established his nonprofit organization, Foxhole, to support veterans' wellbeing; and,  
WHEREAS, for his admirable work, Mr. De La O received the Distinguished Service Award at the Veterans of Foreign Wars VFW National Convention on July 25, 2023; and,  
WHEREAS, the Distinguished Service Award recognizes VFW members for exemplary or extraordinary service to our country through demonstrated actions that promote the spirit of the VFW, through volunteer actions in service, companionship and activities to benefit their local community;  
NOW, THEREFORE, BE IT RESOLVED, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes, commends, and thanks Mr. Modesto De La O for his continued valiant service to his fellow veterans and to his City of Pontiac; and  
FURTHER RESOLVED, the City Council congratulates Mr. De La O on his significant national recognition by the Veterans of Foreign Wars, with his well-deserved receiving of their Distinguished Service Award at the VFW National Convention this year.

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

No: None

**Resolution Passed**

Councilman Nicholson was absent for the vote.

23-391      **Resolution Celebrating the Appointment of Attorney Monique Sharpe to the 36th District Court Bench.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City of Pontiac, Michigan acknowledges citizens and City staff whose exemplary character and accomplishments have had a profound impact of elevating and inspiring the community; and, Whereas, Attorney Monique Sharpe has had a strong, multifaceted professional career dealing with the law, public policy, criminal justice, and government; and,  
WHEREAS, Attorney Sharpe was an employee of the City of Pontiac, working for the City for over six years as a Legislative Coordinator, Policy Advisor and, ultimately, Legislative Counsel for the Pontiac City Council; and,  
WHEREAS, Attorney Sharpe served the Pontiac City Council with effectiveness, integrity, and professionalism, resulting in substantial benefits to the residents and taxpayers of the City of Pontiac as well as the restoration of their rights, protections, and resources; and,  
WHEREAS, most recently, she has served as Deputy General Counsel for the 36th District Court of Michigan; and,  
WHEREAS, Michigan Governor Gretchen Whitmer announced her appointment of Attorney Sharpe to a judicial vacancy on the 36th District Court on October 26, 2023, with her term on the bench commencing on November 16, 2023;  
NOW THEREFORE, BE IT RESOLVED, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby celebrates the appointment of Attorney Monique Sharpe to the 36th District Court of Michigan; and,  
FURTHER RESOLVED, the City Council, on behalf of the entire Pontiac community, extends our congratulations and best wishes to Judge Sharpe on this next chapter of her professional career and in future endeavors; and,  
FURTHER RESOLVED, the City Council commends Governor Whitmer for making such a strong appointment, as Judge Sharpe will be an exemplary public servant.

November 7, 2023, Draft

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

No: None

**Resolution Passed**

Economic Development

23-392 **Resolution to Approve the Specialty Designated Merchant (SDM) and Class C “Bistro” Licensees as requested by the petitioner, Kegger Burger, 7 N. Saginaw, Suite 1A.** Moved by Councilperson Rutherford and second by Councilperson James.

WHEREAS, the City of Pontiac chooses to engage in MCL 436.15211a (1) (b) (i) for the issuance of New-On Premises Development District License and establishment of Redevelopment Licenses in the Tax Increment Finance Authority Act (TIFA) District and under Part 3 of Public Act 57 of 2018.

WHEREAS, Kegger Burger, Parcel ID 64-14-29-476-032-014, 7 N. Saginaw, Suite 1A, has made a petition for Specialty Designated Merchant (SDM) and Class C “Bistro” license and meets eligibility requirements for licensure issuance under MCL 436.1521a (1) (b)(i).

WHEREAS, Kegger Burger, 7 N. Saginaw, Suite 1A shall comply with City of Pontiac Ordinance 2366 to allow for Redevelopment Liquor License and conditions for issuance and operations of the Specialty Designated Merchant (SDM) and Class C “Bistro” License and MCL 436.15211a (1) (b)(i).

BE IT RESOLVED that the petition for Specialty Designated Merchant (SDM) and Class C “Bistro” License on behalf of the petitioner, Kegger Burger, 7 N. Saginaw, Suite 1A, is hereby approved and the City Council further recommends this application be considered for approval by the Michigan Liquor Control Commission.

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

No: None

**Resolution Passed**

Grants and Philanthropy Department

23-393 **Resolution to Authorize the Mayor to execute the FEMA Public Assistance (PA) Grant Program Agreement between The Michigan Department of State Police, Emergency Management, and Homeland Security Division (MSP/EMHSD) and the City of Pontiac.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac was awarded \$432,386.88 in funding from The State of Michigan Public Assistance (PA) Grant Program; and,

WHEREAS, the agreement is between FEMA as the Federal Awarding Agency, Michigan State Police, Emergency Management, and Homeland Security Division as the Pass-Through Entity, and The City of Pontiac as the Subrecipient; and,

WHEREAS, the City of Pontiac executed the deliverables of the grant agreement; and,

WHEREAS, Michigan State Police and the Executive Branch of the City of Pontiac have approved the attached sub-recipient agreement; and,

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council hereby approves the 2023 Public Assistance (PA) Grant Program grant agreement and authorizes the Mayor to execute all documents related to the grant award.

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

No: None

**Resolution Passed**

23-394 **Resolution to authorize City Clerk to publish the proposed Budget Amendment to establish budget revenue in the amount of \$432,386.88 to account 101-000-516.000 Federal Grants – Health.** Moved by Councilperson Parker and second by Councilperson Rutherford.

November 7, 2023, Draft

WHEREAS, the City of Pontiac was awarded \$432,386.88 in funding from The State of Michigan Public Assistance (PA) Grant Program; and,  
WHEREAS, the City of Pontiac executed the deliverables of the grant agreement; and,  
WHEREAS, Michigan State Police and the Executive Branch of the City of Pontiac have approved the sub-recipient agreement; and,  
WHEREAS, the budget amendment will increase budgeted revenue in the amount of \$432,386.88.  
NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment to establish budget revenue in the amount of \$432,386.88 to account 101-000-516.000 Federal Grants – Health.

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

No: None

**Resolution Passed**

Purchasing Division

23-395      **Resolution Approving the Purchasing manager to award the bid to CAC Asset Solution, LLC and Onsite Solutions, Inc. dba Versapro Restoration and Construction, and the Mayor or Deputy mayor to execute an agreement with both firms to allow the City's Code Enforcement Division to board up and secure court ordered property abatements and emergency property structures throughout the City.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and  
WHEREAS, It is imperative that the bid is awarded and an agreement executed to address the immediate need of abatement and emergency property structure board ups to secure properties within the City; and  
NOW, THEREFORE BE IT RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to award the bid and execute an agreement with CAC Asset Solution, LLC and Onsite Solutions, Inc. dba Versapro Restoration and Construction.

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

No: None

**Resolution Passed**

Councilpersons Goodman was absent for the vote.

#### **Public Comment**

1. H. Bill Maxey
2. Dr. Deirdre Waterman
3. Beatrice Wright
4. Carlton Jones
5. Pastor Kathy Dessureau
6. Tameka Ramsey
7. Darlene Clark
8. Gloria Miller

#### **Discussions**

National News Coverage of Oakland Forward Warrants Clinic in Pontiac on PBS Newshour

Oakland County's Announcement of their Initiative for Retiring Medical Debt of Eligible County Residents

November 7, 2023, Draft

**Communications**

City Council, and Mayor's Office

**Mayor, Clerk and Council Closing Comments**

Mayor Tim Greimel, Councilwoman Melanie Rutherford, Councilman Mikal Goodman, Councilwoman Kathalee James, Councilman Willam Parker Jr., and Council President Mike McGuinness made closing comments.

**Adjournment**

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

Ayes: Goodman, James, McGuinness, Parker and Rutherford

No: None

**Motion Carried**

Council President Mike McGuinness adjourn the meeting at 8:42 p.m.

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Garland S. Doyle  
City Clerk

**CITY OF PONTIAC**

**ORDINANCE NO. # 2427**

AN ORDINANCE TO AMEND ARTICLE VI (FINANCE), DIVISION 2 (PURCHASING) SECTION 2-526 (SPECIFICATIONS, CONTRACTS, AND BID DOCUMENTS FOR CONSTRUCTION CONTRACTS AND PURCHASES) TO ADD SUBSECTION (D) AUTHORIZING THE USE OF A CONSTRUCTION MANAGER AT RISK DELIVERY METHOD FOR CITY CONSTRUCTION PROJECTS.

THE CITY OF PONTIAC ORDAINS:

**ARTICLE VI. FINANCE**

**Sec. 2-526 Specifications, contracts and bid documents for construction contracts and purchases.**

- (a) Specifications, contracts and bid documents for construction contracts and purchases where written specifications are utilized shall be drawn in accordance with the directives set forth in this division and shall be prepared by the using department, subject to the approval of the Purchasing Agent. Whenever a commodity is to be procured or disposed of by more than one department, the purchasing division shall establish standard specifications after consulting with all involved departments.
- (b) Notwithstanding the foregoing provisions regarding the preparation of contract specifications and the provisions of this division regarding the procedures for advertising, bidding and award of City contracts, the administration of construction contracts after the award thereof shall be the responsibility of the department or division as designated by the Mayor, and not the Purchasing Agent.
- (c) Notices of projects or items sought through a competitive bid process shall be posted on the City's web page and also on the MITN website. Notices shall be posted for a minimum period of one week. Notices shall direct respective bidders to the City's website where the complete bid package is available.
- (d) **Construction Manager at Risk Delivery Method.** In the event the City appoints a Construction Manager (CM) under a Construction Manager at Risk ("CMAR") contract delivery method with a Guaranteed Maximum Price to manage a construction project on behalf of the City, such CM is authorized to carry out the duties of the Purchasing Agent as described in this



Division, provided that all such duties performed by the CM are subject to the written approval and authorization of the Purchasing Agent.

1. The CM shall post invitation for bids on the City's web page and on the MITN website with the assistance of the Purchasing Agent to the extent such assistance is needed. The invitation for bids may direct the bidders to submit the bids directly to the CM. After the deadline to submit bids, the CM shall provide copies of the bids received to the Purchasing Agent, and review and make recommendations to the Purchasing Agent for the award of subcontracts to the lowest responsible bidder pursuant to the requirements of this Division.

2. The Purchasing Agent shall make the final determination as to the lowest responsible bidder. The CM may prepare a Guaranteed Maximum Price ("GMP") proposal(s) under the CMAR contract which shall include only City approved competitively bid subcontracts, conducted in accordance with this Division, for the performance of the work.

3. Upon written approval and authorization of the Purchasing Agent of the GMP proposal(s) and execution of the GMP proposal(s) executed by the Mayor or his or her designee and approved by the majority of the City Council, the CM may directly contract with the City-approved competitively-bid subcontractors, pursuant to a written subcontract approved by the Purchasing Agent, and the CM shall directly supervise and be responsible for the work of the subcontractors as proscribed in the CMAR contract with the City.

**#8**

# **ORDINANCE**



TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: October 19, 2023

RE: Zoning Text and Map Amendments: Residential Infill Overlay District

### **Executive Summary**

The City is proposing a Zoning Text and Map Amendment for the creation of a Residential Infill Overlay District. This provides a neighborhood strategy for three (3) neighborhoods in the City to restore population and improve aesthetics.

The proposal to Planning Commission establishes the Overlay District and allows smaller single-family and two-family homes with higher architectural standards. Additionally, a homeowner may establish an accessory dwelling unit on a property, so long as the property owner resides in the principal or accessory structure.

Quick Facts	
Planning Commission Hearing Date	October 11, 2023
Ordinance	Residential Infill Overlay District
Location	Citywide, although the Overlay Districts are in specific areas on the map (next page)

Planning Commission reviewed the amendments. They split up the Ordinance to table the Accessory Dwelling Units, for further discussion. They recommended approval, 5-1, on Sections 3.1204 and 3.1205 to City Council, with two (2) conditions. The Accessory Dwelling Unit analysis has removed from this staff report and proposed Ordinance.

### **Overview: Residential Infill Overlay District**

Under the 2014 Master Plan, one of the future land use goals is to Improve Existing Neighborhoods, "A city is comprised of (and defined by) its neighborhoods. Strengthening the existing neighborhoods through blight removal, demolition, reinvestment and business support will improve the image of the city and, more importantly, the quality of life for all Pontiac residents." Furthermore in this subsection of residential development it states: "The existing zoning ordinance should be amended to provide greater flexibility for building type and land uses within these districts. These standards should emphasize building form and outline, acceptable materials, and standards for each district."

The City has been approached by a developer, who has an option to purchase and build on county-owned properties in two (2) or the three proposed (3) districts. They desire to build homes that are smaller than currently allowed in the R-1 zoning district. Currently, 1,200 sq. ft. is the minimum regulation. The City has reviewed this concept and is proposing three (3) areas for an optional overlay district where a property owner in the one-family R-1 zoning district could build one of the following on each buildable parcel:

1. Build a smaller single-family dwelling unit with higher architectural standards
2. Build a two-family dwelling unit with higher architectural standards.

### **Overlay Districts**

Staff chose three (3) neighborhoods for the overlay. Rationale is as follows;

- Proximity to Downtown and/or Woodward Ave.
- Clusters of vacant lots

- These text amendments are designed to create a neighborhood strategy for infill development. This strategy is slightly different than the Unity Park strategy used several years ago when the County worked with Lighthouse and Community Housing Network to build homes on vacant lots.

*Figure 1: Proposal for Residential Infill Overlay District*



The Residential Infill Overlay District is an optional overlay district. While the property owner has a right to build or expand a house on the lot following our current zoning requirements, they may also choose to invoke the overlay district as an option.

These homes are not “tiny homes”, which often homes that are roughly 300 – 600 square feet in size. The smaller homes that these regulations envision aligns more with a cottage style home, whether it’s one or two-stories.

*Figure 2: Example home that could be built in the proposed overlay district.*



#### **Single and Two Family Smaller Dwelling Units**

The minimum per unit size for a home in this overlay district is 700 sq. ft. Below are some of the proposed regulations that require slightly higher architectural features as a trade-off. The following are some of the architectural regulations.

*The home or homes must include one (1) of the following:*

- 1) *A projecting or recessed entrance.*
- 2) *Stoop or enclosed or covered porch, provided that an enclosed porch shall comply with required setbacks.*
- 3) *Transom and/or side light window panels framing the door opening.*
- 4) *Architectural trim framing the door opening.*

*To maintain and reflect the traditional character of the neighborhood, in exchange for the smaller dwelling size, the projects shall include the following design elements:*

- 1) *Facade modulation.*
- 2) *Entry features that are dominant elements facing the street.*
- 3) *Utilization of a variety of high-quality materials that are new to the neighborhood and/or complemented to the surrounding neighborhood.*

*In addition to the three (3) required design elements, applicants shall choose two (2) other design options from the following list:*

- 1) *Architectural articulation in walls and roofs.*



- 2) *Covered entry porch.*
- 3) *Second story step back or modulation.*
- 4) *Larger area of windows, used as architectural features, compared to other structures in the neighborhood on the front and side facades of the principal structure.*

Lastly, there are several considerations to the design the applicant must follow.

- 1) *Rooflines shall be of a similar pitch to the immediately adjacent neighboring structures.*
- 2) *Architectural details such as window frames, cornices, gables, or other similar orientation should be similar to other structures in the neighborhood.*
- 3) *Building must be articulated into intervals to be compatible with adjacent structures. Articulation methods include modulation, broken roof lines, and other building elements (chimneys, dormers entries, etc.).*
- 4) *The exterior of the building must use similar materials to other structures in the neighborhood. Higher quality materials are encouraged, including natural materials, brick, stone, lap siding, etc. Vinyl is permitted but must have a high thickness at 0.46mm. (Note: Planning Commission recommended increasing this minimum for 0.50mm)*

*Figure 3: Example home of the design of the smaller house with neighboring properties.*



To align with the goal to stabilize and slightly improve the existing neighborhood, and the properties within the neighborhood, these higher quality materials and architecture requirements are an important

neighborhood strategy. These standards are the trade-off for the right to build smaller homes or a duplex that would normally not permitted in the R-1 zoning district.

While staff considered prohibiting vinyl, the proposal includes the allowance for a higher thickness. This thickness should allow for longer durability and higher quality while providing an affordability and attainability for owners, builders, and residents. Planning Commission added conditions requiring a higher grade (.50 mm) and restricted the use of vinyl to no more than 70% of the façade.

*Figure 4: Vinyl Siding Thickness (From Vinyl Siding Connect, LLC)*

### **Vinyl Siding Thickness**

**Builder's Grade – .40 mm**

**Thin Residential Grade – .42 mm**

**Standard Residential Grade – .44 mm**

**Thick Residential Grade – .46 mm**

**Super Thick Grade – .50 mm**

**Premium Grade – .52 – .55 mm**

*Figure 5: Example home of the design in Hazel Park, MI of the smaller house with neighboring properties..*





### **Summary**

While these proposed homes are a smaller size, they will provide architectural diversity to the neighborhood and improve the streetscape of the block. When a builder builds multiple units within an area or neighborhood, it can be seen as placemaking element of the neighborhood.

These Text and Map Amendments propose to restore population and revitalize these neighborhoods while maintaining the character and history that is there. These are strategic efforts in zoning regulations to provide flexibility to stabilize and grow neighborhoods while helping to prevent further blight and population decline.

### **Planning Commission Recommendation**

Planning Commission recommended APPROVAL, 5-1, of these Zoning Text and Map Amendment for the Residential Infill Overlay District with the following condition:

1. The proposed vinyl thickness shall be a minimum 0.50 mm from the 0.46 mm requirement staff proposed.
2. No more than 70% of the facade may utilize vinyl.

Note: Planning Commission separated and tabled Accessory Dwelling Units from this amendment. They will be reviewing further before it proceeds to City Council.

### **Attachments:**

Ordinance

Resolution for Approval of First Reading



STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF PONTIAC

ORDINANCE NO. 2020-0000

ZONING ORDINANCE TEXT AND MAP AMENDMENT

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO ALLOW TWO-FAMILY DWELLINGS, SMALLER ONE-FAMILY DWELLINGS, AND ACCESSORY DWELLING UNITS IN DESIGNATED RESIDENTIAL INFILL OVERLAY DISTRICTS AND USES TO INCLUDE:

ARTICLE 2, CHAPTER 2, SECTION 2.204, TABLE 2;

ARTICLE 3, CHAPTER 12, SECTIONS 3.1201 THROUGH 3.1205, TO ADD CHAPTER 12 REGARDING RESIDENTIAL INFILL OVERLAY DISTRICT.

ARTICLE 7, CHAPTER 2, SECTION 7.201, TO ADD DEFINITIONS REGARDING TWO-FAMILY DWELLINGS, AND SMALLER ONE-FAMILY DWELLINGS

[NEED TO ADD MAP AMENDMENT SECTION]

**THE CITY OF PONTIAC ORDAINS:**

Amend Article 2, Chapter 2, Section 2.204, Table 2:

Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use			o Special Exception Use					[blank] Use Not Permitted					
				● Principal Permitted Uses in the Medical Marihuana Overlay Districts										
* Special Exception Permit Uses Outside the Medical Marihuana Overlay Districts				× Permitted Use in the Residential Infill Overlay Districts Only										
USE	Residential Districts (A)			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD		
	R-1 (B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1			
Residential Uses														
Mixed Use Building – residential with non-residential														Section <u>2.501</u>
Boarding or Lodging House														Section <u>2.502</u>

Multiple Family Manor House (3-4 units)		0	■	0								Section <u>2.503</u>
Multiple Family Apartment Building (3+ units)			■		0	■						Section <u>2.504</u>
One Family Dwelling Unit	■	■	■	■								Section <u>2.505</u>
State Licensed Residential Facility and/or Home (6 or fewer clients)	■	■	■	■								Section <u>2.506</u>
State Licensed Residential Facility and/or Home (7 or more clients)		0	0	0								Section <u>2.506</u>
Unlicensed Residential Facility and/or Home			0									Section 2.506.1
Townhouse (3+ units)		0	■	0	0	0						Section <u>2.507</u>
Two Family Dwelling Unit		■	■									Section <u>2.505</u>
<b>Commercial, Office, and Service Uses</b>												
Automobile Service (Commercial)					0		0	0	■	■		Section <u>2.509</u>
Bakery or Confectionary			0		■	■	■	■				Section <u>2.510</u>
Bank or Financial Institution			0		■	■	■	■				
Bar, Tavern, or Alcohol Service Establishment					■	■	■	■				
Business Service Establishment					■	■	■	■				
Child Care Center or Day Care Center		0	0	0	■	0	■	■				Section <u>2.511</u>
Funeral Home or Mortuary					■	■	■					
Gallery or Studio			0	■	■	■	■	■	■	■		
Lodging Uses												
<i>Bed &amp; Breakfast</i>	0	0	0	0	0	■						Section <u>2.512</u>
<i>Inn</i>				0	0	■	■	■				
<i>Hotel</i>						■	■	■				
Learning Center			0	■	■	■	■	■				
Medical Clinic					0	■	0					
Medical Marihuana Grower (D)									●	●	●	Section <u>2.545</u>
Medical Marihuana Processor (D)									●	●	●	Section <u>2.546</u>

Medical Marihuana Provisioning Centers (D)			*	●	●	*	●	●		Section <u>2.547</u>
Medical Marihuana Safety Compliance Facility (D)			*	●	●	*	●	●	●	Section <u>2.548</u>
Medical Marihuana Secure Transporter (D)			*	●	●	*	●	●	●	Section <u>2.549</u>
Office	0	■	■	■	■	■				
Pawn Shops		0	0	0	0					Section <u>2.513</u>
Personal Service Establishment	0	■	■	■	■	■				
Pet Boarding Facility			■		■	■	■	■	■	Section <u>2.532</u>
Place of Assembly (<50 persons at maximum occ.)	0	0	■	■	■	■	■	■		Occupancy determined by fire code
Place of Assembly (51+ persons at maximum occ.)			0	■	■	■	■	■		
Restaurant	0	0	■	■	■	■				Only on A or B Street
Retail Sales										
<i>Small indoor – up to 5,000 sq. ft.</i>	0		■	■	■	■				
<i>Medium indoor – 5,001 – 75,000 sq. ft.</i>			■	■	■	■				
<i>Large indoor – no area limit</i>						■				
<i>Unlimited outdoor</i>					0	0	■	■		Section <u>2.514</u>
Retail Sales (packaged alcoholic beverages)			0	0	0	0				Section <u>2.515</u>
Sexually Oriented Businesses							0	0	0	Section <u>2.508</u>
Workshop/Showroom			0	■	■		■	■	■	Section <u>2.516</u>
<b>Industrial Uses</b>										
Automobile Service (Industrial)					0		■	■	0	
Heliport							0	0		
Manufacturing, Fabrication and Processing										
<i>Light</i>					■		■	■	■	Section <u>2.517</u>
<i>General</i>							0	■	0	Section <u>2.517</u>
<i>Heavy</i>								0		Section <u>2.518</u>

Mini-Warehouse						0		■	■		Section <u>2.519</u>
Movie and Television Production Facility					■	0		■	■	■	
Outdoor Storage or Outdoor Yard (major)								0	0	0	Section <u>2.520</u>
Recycling Center								0	■		
Recycling Plant or Scrap Processing									0		
Research Facility (general)								■	■	■	
Research Facility (major)								0	■	0	
Salvage Yards/Resource Recovery Facilities/Junk Yards									0		
Service and Repair (industrial)								■	■	■	
Terminal, Public Transportation	0	0	0	0	■	■	■	■	■	■	
Terminal, Freight								■	■	0	
Wholesale Storage/Distribution											
<i>Nontoxic, nonhazardous materials</i>							■	■	■	■	
<i>Toxic or hazardous materials</i>								0	■	0	
<b>Community, Education and Institution uses</b>											
Assisted Living Facility		0	0	0	■	■	■				Section <u>2.521</u>
Cemetery or Crematorium	0	0	0		0		0	0	0	0	Section <u>2.522</u>
Community Center Building	■	■	■								
Community Service Facility		0	0	0	0		0	■	■		Section <u>2.523</u>
Cultural or Municipal Use	0	0	■	■	■	■	■	■	■	■	
Hospital						■	■				
Nursing Home		0	0	0	■	■	■				Section <u>2.521</u>
Private Club, Fraternal Organization, or Lodge Hall			0	0	■	■					Only permitted along A or B street
Public Parking Lot/Structure					0	0	0				
Religious Institution	0	0	0	■	■	■	■	■	■		Section <u>2.524</u>
School, College or University	0	0	0	0	0	0	0				Only permitted along A or B street

[illegible]

Outdoor Sidewalk or Patio Dining (accessory to a permitted use)	0	0	■	■	■	■						Section <u>2.539</u>
Outdoor Storage (accessory to a permitted use)		0	0	0	■	■	■	■	■			Section <u>2.540</u>
Sustainable Energy Generation												
<i>Small Wind Energy System</i>	■	■	■	■	■	■	■	■	■	■	■	Section <u>2.541</u>
<i>Utility Wind Energy System</i>									0			Section <u>2.541</u>
<i>Solar Energy System</i>	■	■	■	■	■	■	■	■	■	■	■	Section <u>2.541</u>
Temporary and Special Events	■	■	■	■	■	■	■	■	■	■	■	Section <u>2.542</u>
Temporary Construction Facilities	■	■	■	■	■	■	■	■	■	■	■	
Wireless Telecommunication Facilities	0	0	0	0	0	0	0	0	■	■	■	Section <u>2.543</u>

## AMEND ARTICLE 3 TO ADD ARTICLE 3, CHAPTER 12 – RESIDENTIAL INFILL OVERLAY DISTRICT

### Chapter 12 Residential Infill Overlay District

#### 3.1201 Intent

The Residential Infill Overlay District (RIOD) is intended to allow for diversity in housing stock and promote redevelopment of dated housing or vacant lots in within existing single-family neighborhoods zoned R-1, One-Family Dwelling designated as RIOD on the official zoning map.

The RIOD provides an optional development process that allows for accessory, and smaller one-family and two-family dwelling units to be located within an R-1 District which through design criteria, architectural standards, and dimensional restrictions, will be compatible with existing single-family residential neighborhoods. Housing permitted by the RIOD is intended to be constructed at a scale and design which is consistent with an existing neighborhood.

#### 3.1202 Applicability

The RIOD shall only apply to those areas zoned R-1 and specifically designated on the official zoning map. Parcels with the RIOD overlay may be developed for uses permitted in the R-1 district subject to the regulations of the R-1 district. However, parcels with the RIOD overlay may also be developed with residential uses described in Section 3.1203, subject to standards set forth in this Chapter.

Approval for uses permitted under this Chapter shall require an application for a zoning compliance permit in accordance with Section 6.701. Upon demonstration that the applicable standards set forth in this Chapter and of the R-1 Zoning District are met, a zoning compliance permit shall be issued.

### **3.1203        General Standards**

- A.    Permitted Uses. In addition to uses permitted in the R-1 District, two-family dwellings, smaller one-family dwellings, and accessory dwelling units shall be permitted as of right if the standards of Article 3, Chapter 12 of this ordinance are met.
- B.    Dimension Standards:
  - 1.    Two-family dwellings in the RIOD shall be subject to the standards applicable to properties in the R-1 District, as set forth in Section 2.301, Table 3 Dimension Standards.
  - 2.    Smaller One-family dwellings in the RIOD shall be subject to the standards applicable to properties in the R-1 District, as set forth in Section 2.301, Table 3 Dimension Standards.
  - 3.    Accessory dwelling units in the RIOD shall be subject to standards applicable to properties in the R-1 District, as set forth in Section 2.301, Table 3, except the rear yard setback for a detached accessory dwelling unit may be reduced to twenty (20) feet.
- C.    Minimum Floor Area:
  - 1.    The minimum floor area per two-family and smaller one-family dwelling unit shall be seven hundred (700) square feet.
  - 2.    The minimum floor area for a detached accessory dwelling unit shall be four hundred (400) square feet.
- D.    Maximum Floor Area:
  - 1.    An accessory dwelling unit may not be more than sixty percent (60%) of the total area of the principal dwelling unit.

### **3.1204        Design Standards for Two-Family Dwelling in the RIOD**

- A.    In addition to complying with the design standards set forth in this section, all proposed developments must be constructed in accordance with the Infill Overlay Design Guidelines.
- B.    All standards set forth in Section 2.404 B.1 shall be met. In addition, buildings shall be designed to be compatible with the surrounding existing residential structures within the neighborhood. This shall be accomplished using the following criteria:
  - 1.    Orientation.
    - a.    Two-family dwellings may be oriented side-by-side, front-to-back, or with one (1) unit stacked on top of another.
    - b.    Interior Lots. For interior lots, the primary building entrance shall be located in the front façade parallel to the street.

- c. Corner Lots. For corner lots, the primary entrance shall face the street from which the structure derives its street address. However, two-family dwellings shall have a separate primary entrance per dwelling unit, with only one (1) primary entrance per street.
- 2. Primary Entrances. Primary entrances for all two-family structures shall be clearly defined by at least one (1) of the following:
  - a. A projecting or recessed entrance.
  - b. Stoop or enclosed or covered porch, provided that an enclosed porch shall comply with required setbacks.
  - c. Transom and/or side light window panels framing the door opening.
  - d. Architectural trim framing the door opening.
- 3. Building Design.

Two family dwellings are an allowed use on individual lots within the base One-Family Dwelling (R-1) zoning district of the Residential Infill Overlay District.

These homes should be consistent in height, bulk, and scale with surrounding single-family residential uses.

- 1. To maintain and reflect the traditional character of single-family dwelling units, projects shall include the following design elements:
  - a. Façade modulation.
  - b. Entry features that are dominant elements facing the street.
  - c. Utilization of a variety of high-quality materials that are new to the neighborhood and/or complemented to the surrounding neighborhood.
- 2. In addition to the three (3) required design elements, applicants shall choose two (2) other design options from the following list:
  - a. Architectural articulation in walls and roofs.
  - b. Covered entry porch.
  - c. Second story step back or modulation.



d. Larger area of windows, used as architectural features, compared to other structures in the neighborhood on the front and side facades of the principal structure.

3. Other design elements

a. Rooflines shall be of a similar pitch to the immediately adjacent neighboring structures.

b. Architectural details such as window frames, cornices, gables, or other similar orientation should be similar to other structures in the neighborhood.

c. Building must be articulated into intervals to be compatible with adjacent structures. Articulation methods include modulation, broken roof lines, and other building elements (chimneys, dormers entries, etc.).

d. Higher quality architectural materials are encouraged, such as natural materials (brick, stone, etc), hardy plank, aluminum, or lap siding. A maximum of 70% of the exterior of these dwelling can utilize vinyl siding. Vinyl siding is only permitted if the minimum thickness is 0.50 mm.

4. Access and Parking

Access and Parking shall be provided in driveways and garages consistent with adjacent residential structures.

a. Where rear access is available parking shall be located in the rear yard.

b. Garages which face a public street shall be recessed or flushed with the line of the front wall of the dwelling. In no case shall the garage protrude beyond the rest of the structure.

c. Two-family dwellings that are oriented front to back shall have a single driveway.

**3.1205 Design Standards for Smaller Single-Family Dwelling in the RIOD**

A. In addition to complying with the design standards set forth in this section, all proposed developments must be constructed in accordance with the Infill Overlay Design Guidelines.

B. All standards set forth in Section 2.404 B.1 shall be met. In addition, buildings shall be designed to be compatible with the surrounding existing residential structures within the neighborhood. This shall be accomplished using the following criteria:

1. Orientation.

a. Interior Lots. For interior lots, the primary building entrance shall be located in the front façade parallel to the street.

- b. Corner Lots. For corner lots, the primary entrance shall face the street from which the structure derives its street address.
- 2. Primary Entrances. Primary entrances for all two-family structures shall be clearly defined by at least one (1) of the following:
  - a. A projecting or recessed entrance.
  - b. Stoop or enclosed or covered porch, provided that an enclosed porch shall comply with required setbacks.
  - c. Transom and/or side light window panels framing the door opening.
  - d. Architectural trim framing the door opening.
- 3. Building Design.
  - a. Smaller Single-Family Dwellings are an allowed use on individual lots within the base One-Family Dwelling (R-1) zoning district of the Residential Infill Overlay District.
  - b. To maintain and reflect the traditional character of the neighborhood, in exchange for the smaller dwelling size, the projects shall include the following design elements:
    - 1) Façade modulation.
    - 2) Entry features that are dominant elements facing the street,
    - 3) Utilization of a variety of high-quality materials that are new to the neighborhood and/or complemented to the surrounding neighborhood.
  - c.. In addition to the three (3) required design elements, applicants shall choose two (2) other design options from the following list:
    - 1) Architectural articulation in walls and roofs.
    - 2) Covered entry porch.
    - 3) Second story step back or modulation.

- 4) Larger area of windows, used as architectural features, compared to other structures in the neighborhood on the front and side facades of the principal structure.

d.. Other design elements

- 1) Rooflines shall be of a similar pitch to the immediately adjacent neighboring structures.
  - 2) Architectural details such as window frames, cornices, gables, or other similar orientation should be similar to other structures in the neighborhood.
  - 3) Building must be articulated into intervals to be compatible with adjacent structures. Articulation methods include modulation, broken roof lines, and other building elements (chimneys, dormers entries, etc.).
  - 4) Higher quality architectural materials are encouraged, such as natural materials (brick, stone, etc), hardy plank, aluminum, or lap siding. A maximum of 70% of the exterior of these dwelling can utilize vinyl siding. Vinyl siding is only permitted if the minimum thickness is 0.50 mm.
4. Access and Parking. Access and Parking shall be provided in driveways and garages consistent with adjacent residential structures.
- a. Where rear access is available parking shall be located in the rear yard.
  - b. Garages which face a public street shall be recessed or flushed with the line of the front wall of the dwelling. In no case shall the garage protrude beyond the rest of the structure.
  - c. Two-family dwellings that are oriented front to back shall have a single driveway.

AMEND ARTICLE 7, CHAPTER 2, SECTION 7.201 TO ADD THE FOLLOWING DEFINITIONS:

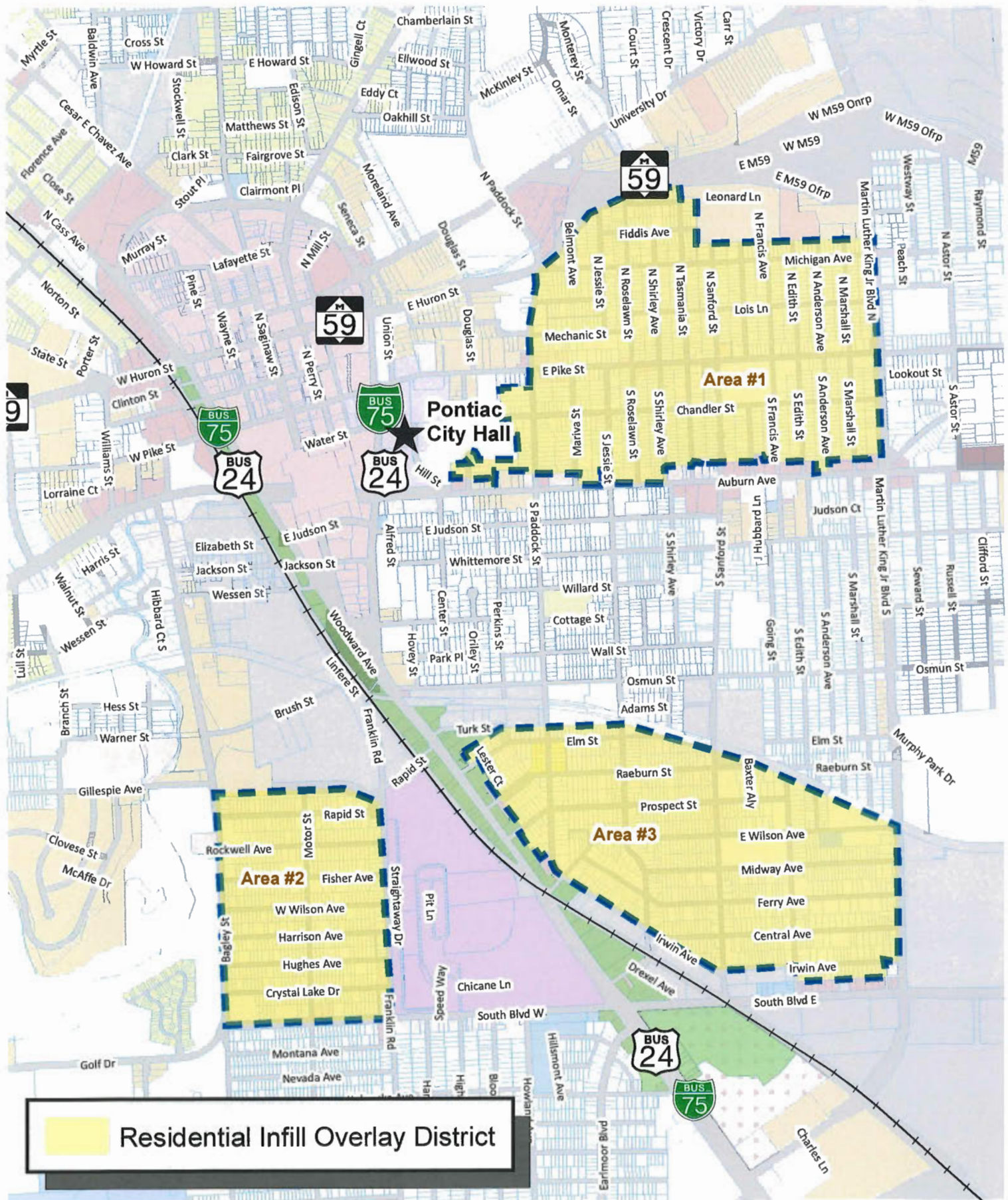
**Smaller Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family which must meet all criteria set forth in Article 3, Chapter 12.

**Two-Family Dwelling.** See Two-Family Dwelling Unit.



# Residential Infill Overlay District Proposal, September 1, 2023

0 650 1,300 2,600 3,900 5,200 Feet



**#9**

# **ORDINANCE**





## COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Planning Commission  
**FROM:** Mark Yandrick, Planning Manager  
**DATE:** November 2, 2023  
**RE:** Zoning Text Amendment: Adult-Use Marihuana and Caregivers

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### **Executive Summary:**

The City Council adopted Ordinance 2407 in April which amended the zoning ordinance to allow Adult-Use Marihuana and regulate caregivers in the City of Pontiac.

While a referendum was filed earlier this year, the petitioner of the referendum has repealed the referendum request and the ordinance can proceed as adopted. While the City Council is considering licensing-related amendments to the adult-use marihuana licensing for the municipal ordinance, these proposed amendments do not affect or directly relate to the existing zoning ordinance, or the zoning amendments proposed.

This proposal to the zoning ordinance prohibits the use of any shade of the color green, and any shade of green, on a building's architecture or signage. It also recommends restricting caregivers to 2,000 square feet per parcel.

Planning Commission recommends APPROVAL of the Zoning Text Amendments, 3-1, with one (1) condition of approval.

### **Overview:**

#### **Prohibiting Green**

The City has approved an ordinance that prohibits images and wording related to marihuana on buildings for the Marihuana Ordinance. Because Marihuana is still a federally recognized drug, there are additional safeguards placed on the content of signage.

The City is requesting to prohibit green on buildings and signage. The color green is synonymous with the messaging and logos for marihuana and the establishments that are directly associated with the production, growth, sales, and transport. The prohibition of green on buildings and signs would protect the aesthetics of the street and surrounding area and prevent an expansion of the messages about signage for the business and the location of the marihuana establishment.

This language is used in multiple locations for each adult marihuana land use and this amendment incorporates this prohibition within each land use section of the ordinance.

#### **Caregiver**

While the City passed legislation in the Zoning Ordinance 2407 in April, the restriction limits caregivers to M-1 (Light Manufacturing) and IP-1 (Industrial Park) Zoning Districts but it is not limited by size.

Caregivers, by State Statute, allow for a caregiver to grow up to 12 plants for up to 6 people, which may include the caregiver. This licensing is managed through the State of Michigan. For a limitation of 72 plants, staff concludes that a caregiver should need no more than 2,000 square feet for the occupied space for all business aspects of the caregiving operation.

#### **Cleanup**

Additionally, staff recommends the clean-up of two small scrivener errors from the original Section 2.303 of the ordinance. These amendments do not change the policy but clean it up to align with the marihuana land use per overlay district in Table 2.2.

*Not more than ~~eight & five~~ (5) (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.*

#### **Planning Commission Recommendation**

Planning Commission reviewed the recommendations during a Public Hearing on November 1, 2023. They recommend APPROVAL to City Council with the one (1) following condition.

1. In Article 3.1208, Section B, the words “residential dwelling unit” shall be removed because it does relate to a regulation in the ordinance.

The Ordinance is updated in the City Council packet to reflect this condition to strike “residential dwelling unit” from the existing ordinance.

THE PROPOSED ORDINANCE WOULD AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO PROHIBIT GREEN PAINT ON SIGNAGE AND EXTERIORS OF ADULT-USE MARIHUANA BUSINESSES IN DESIGNATED OVERLAY DISTRICTS AND LIMIT CAREGIVER FACILITIES TO 2,000 SQUARE FEET, ADDING:

**Uses Permitted, Technical Correction**

**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)~~ five (5) (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.

**Adult Use Marihuana Grower**

**ARTICLE 2, CHAPTER 5, SECTION 2.551(G)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.551(J)(4).



**ARTICLE 2, CHAPTER 5, SECTION 2.551(J)(4) EXTERIOR FACADE AND SIGNAGE**

4. Exterior Facade and Signage. Exterior surfaces and signage of an Adult-use Marijuana Grower Establishment as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Processor**

**ARTICLE 2, CHAPTER 5, SECTION 2.552(G)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.552(J)(4).

**ARTICLE 2, CHAPTER 5, SECTION 2.552(J)(4) EXTERIOR FACADE AND SIGNAGE**

4. Exterior Facade and Signage. Exterior surfaces and signage of an Adult-use Marihuana Processor as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Retailer**

**ARTICLE 2, CHAPTER 5, SECTION 2.553(G)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.553(J)(4).

**ARTICLE 2, CHAPTER 5, SECTION 2.553(I)(6) EXTERIOR FACADE AND SIGNAGE**

6. Exterior Facade and Signage. Exterior surfaces and signage of an Adult-use Marihuana Retailer or Social Equity Retailer as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Class A Micro Business**

**ARTICLE 2, CHAPTER 5, SECTION 2.554(H)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.554(J)(4).

**ARTICLE 2, CHAPTER 5, SECTION 2.554(J)(5) EXTERIOR FACADE AND SIGNAGE**

5. Exterior Facade and Signage. Exterior surfaces and signage of a Class A Microbusiness as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Designated Consumption Establishment**

**ARTICLE 2, CHAPTER 5, SECTION 2.555(F)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.555(H)(5).

**ARTICLE 2, CHAPTER 5, SECTION 2.555(H)(5) EXTERIOR FACADE AND SIGNAGE**

5. Exterior Facade and Signage. Exterior surfaces and signage of a Designated Consumption Establishment as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Safety Compliance Facility**

**ARTICLE 2, CHAPTER 5, SECTION 2.556(G)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.556(H)(3).

**ARTICLE 2, CHAPTER 5, SECTION 2.556(H)(3) EXTERIOR FACADE AND SIGNAGE**

3. Exterior Facade and Signage. Exterior surfaces and signage of a Safety Compliance Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Secure Transporter**

**ARTICLE 2, CHAPTER 5, SECTION 2.557(F)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.557(H)(5).

**ARTICLE 2, CHAPTER 5, SECTION 2.557(H)(5) EXTERIOR FACADE AND SIGNAGE**

5. Exterior Facade and Signage. Exterior surfaces and signage of a Secure Transporter Establishment as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**Adult Use Marihuana Primary Caregiver**

**ARTICLE 2, CHAPTER 5, SECTION 2.559(A)(7) CERTIFICATE OF OCCUPANCY**

7. A certificate of occupancy shall be required for any Caregiver licensed under this Article. No certificate of occupancy shall be issued for any Caregiver facility exceeding 2,000 square feet, regardless of the number of caregivers on site at any time.

**ARTICLE 2, CHAPTER 5, SECTION 2.559(G)(5) SIGNAGE**

5. Signage shall not be painted any shade of green or be constructed of any material that is green in appearance, consistent with Section 2.559(I)(4).

**ARTICLE 2, CHAPTER 5, SECTION 2.559(I)(4) EXTERIOR FACADE AND SIGNAGE**

4. Exterior Facade and Signage. Exterior surfaces and signage of a Primary Caregiver Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**ARTICLE 3, CHAPTER 12 ADULT USE MARIHUANA BUSINESS DISTRICTS, SECTION 8 BUFFER DISTANCE REQUIREMENTS**

- 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.

**CITY OF PONTIAC**

**ORDINANCE NO. # \_\_\_\_\_**

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

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

**ARTICLE 2, CHAPTER 2, SECTION 2.203; SECTION 2.204; SECTION 2.205; and SECTION 2.303, TABLE 2.1-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	--	--
		--	--
		<b>AUMOD</b>	<b>Adult-Use Marihuana Overlay District</b>

### 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 five (5) (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) 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											<b>Section 2.555</b>
Adult-Use Marihuana Grower Facility											<b>Section 2.551</b>
Adult-Use Marihuana Class A Microbusiness											<b>Section 2.554</b>
Adult-Use Marihuana Processor											<b>Section 2.552</b>

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

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

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



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

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.

4. Exterior Paint and Signage. Exterior surfaces and signage of an Adult-use Marijuana Grower Establishment as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

4. Exterior Paint and Signage. Exterior surfaces and signage of an Adult-use Marihuana Processor as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

6. Exterior Paint and Signage. Exterior surfaces and signage of an Adult-use Marihuana Retailer or Social Equity Retailer as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

5. Exterior Paint and Signage. Exterior surfaces and signage of a Class A Microbusiness as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

5. Exterior Paint and Signage. Exterior surfaces and signage of a Designated Consumption Establishment as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

3. Exterior Paint and Signage. Exterior surfaces and signage of a Safety Compliance Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

5. Exterior Paint and Signage. Exterior surfaces and signage of a Secure Transporter Establishment as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

#### **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.

7. A certificate of occupancy shall be required for any Caregiver licensed under this Article. No certificate of occupancy shall be issued for any Caregiver facility exceeding 2,000 square feet, regardless of the number of caregivers on site at any time.

**B. Security.**

1. The primary caregiver facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven (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.

4. **Exterior Paint and Signage.** Exterior surfaces and signage of a Primary Caregiver Facility as defined herein shall not be painted any shade of green or be constructed of any material that is green in appearance.

**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, 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 other provided in the zoning ordinance, any combination of growers, processors, marihuana retailers, social equity retailers, Class A Microbusinesses, and designated consumption establishments may operate as separate adult-use marihuana businesses at the same physical location.

B. Consistent with the MRTMA and rules promulgated by the Department, applicants for class C 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 Marihuana 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.

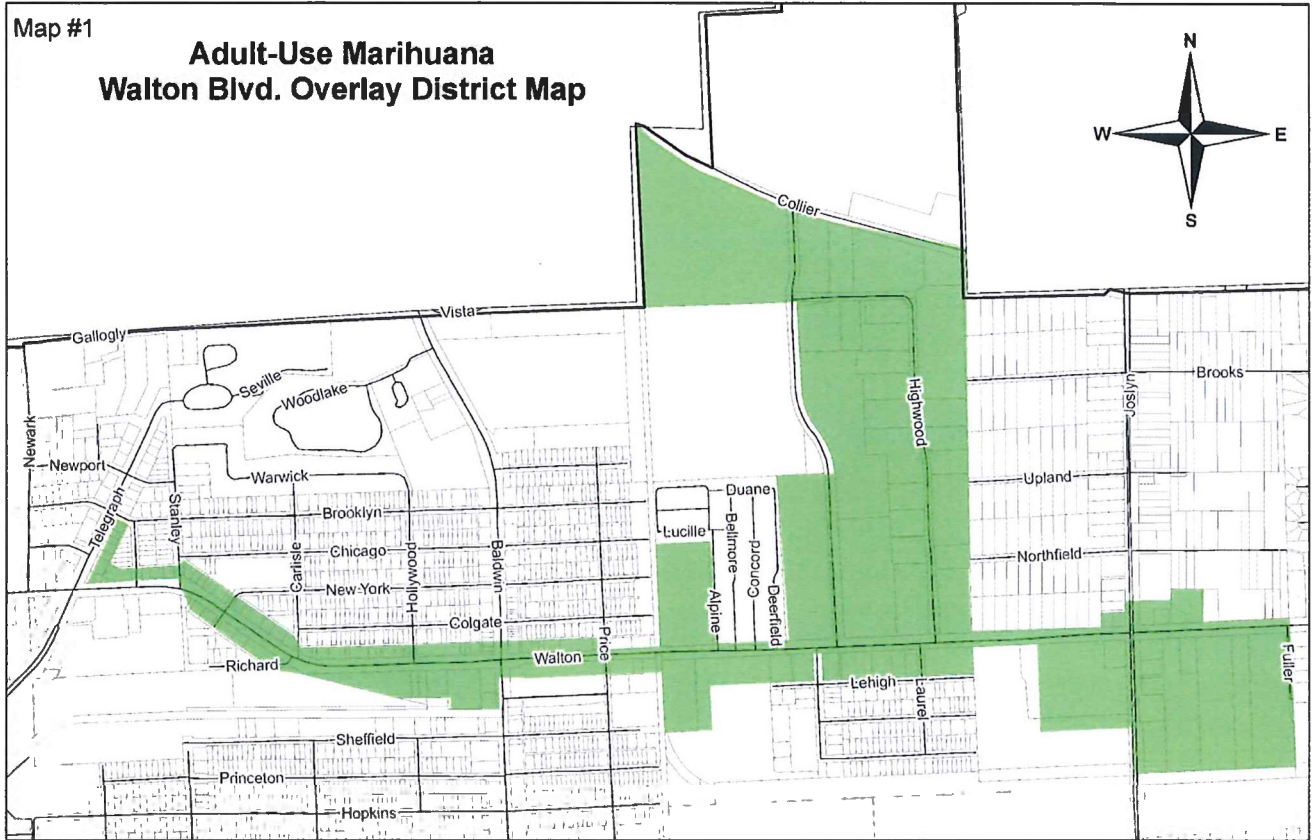
[Add] **Marihuana Business.** Are the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption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

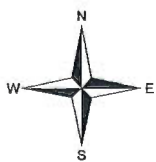
- (1) **Adult-Use Marihuana East Walton Overlay District (Overlay District 1)**, (See Map 1, below), which includes all properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, subject to all 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.





Map #2

## Adult-Use Marihuana Cesar Chavez Overlay District Map



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

Map #3

## Adult-Use Marihuana Downtown Overlay District Map



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



## Adult-Use Marihuana Woodward Avenue Overlay District Map



## **Section 2. Repealer and Severability.**

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

## **Section 3. Effective Date**

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

**ORDINANCE DECLARED ADOPTED.**

**#10**

**RESOLUTION**



**TO:** City Council

**FROM:** Mark Yandrick, Planning Manager

**DATE:** November 8, 2023

**RE:** Mobile Food Vendors and Temporary Uses

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### **Executive Summary**

The City is proposing zoning code amendments to amend regulations for Mobile Food Vendors and Temporary Uses to establish regulations per zoning district for mobile food vendors and establish more clear regulations for Temporary Uses in the City.

There is a municipal code ordinance amendment also proposed to City Council for first reading on October 24, 2023

Planning Commission recommended approval to City Council of these Text Amendments, 6-0.

Quick Facts	
Planning Commission Public Hearing Date	October 11, 2023
Ordinance	Mobile Food Vendor and Temporary Use/Special Events
Location	Citywide, although the Overlay District are in specific areas on the attached map

### **Overview #1: Mobile Food Truck**

#### **Part A: Mobile Food Trucks**

The City currently has a municipal ordinance and license program for mobile food trucks. The ordinance establishes processes for mobile food vendors in the City but does not contain any regulations for hours, locations (other than 150' from a restaurant) or specific site regulations for each of the zoning districts in the City. These regulations contain more prohibitions than guidelines.

Staff is proposing regulations that define how a mobile food truck may operate within the City. These regulations govern the way food trucks may operate within specific zoning districts, time of day , and whether they are part of a Special Event or Temporary Use.

#### **Responsibilities**

These proposed amendments establish that Mobile Food Vendors would need an annual City License and fire department inspections on food trucks. Additionally, all food trucks must operate where a zoning certificate ((Major, Minor, or Annual Mobile Food Vendor Location) is issued for the temporary use. The only exceptions to the zoning certificate are City Events and Private Events.

For Temporary Use permits, a property owner may obtain an Annual Mobile Vendor Temporary Use permit to follow the prescribed regulations and number of food trucks allowed per the zoning district. They may additionally apply for a Major or Minor Temporary use application, depending on the scale of the event. This is a separate application that may allow more food vendors than what is regulated for the Annual Mobile Food Vendor Temporary Use

### **Permissions by Zoning District (Annual Food Vendor Location Temporary Use)**

#### **R-1, R-1a, R-1b, R-2 Zoning Districts**

Within these zoning districts, mobile food vendors are prohibited from operating on private property or in the street, unless it is located in a School, Park or Community Center property, with permission from the property owner and a Temporary Use (Major or Minor) Zoning Permit.

#### **R-3, and R-4 Zoning Districts**

In these zoning districts, the property owner, or someone on the property owner's behalf, must seek a Temporary Use Zoning Permit. This permit establishes and permits no more than one (1) mobile food truck to operate to six (6) hours a day between the hours of 8am and 8pm. The property may have different mobile food vendors each day but they may not have more than one (1) mobile food vendor at a time, unless approved through a separate Temporary Use Permit. The property must share what mobile food vendors are operating under this permit to ensure these mobile food vendors are in full compliance with the City.

#### **C-0 and C-1, C-3, C-4, T-C, C-C, MUD Zoning Districts**

With these regulations, one (1) mobile food vendor may operate up to 10 hours a day on a property within these zoning districts. A food truck vendor must be more than 150' from the property line of a restaurant, unless written permission from every restaurant within 150' of the mobile food truck has been provided.

#### **C-2 Zoning District (Downtown)**

One (1) mobile food vendor may operate up to 10 hours a day on a property within these zoning districts. A food truck vendor must be more than 150' from the property line of a restaurant unless written permission from every restaurant within 150' of the mobile food truck has been provided.

Mobile Food Vendors are prohibited from operating in on-street parking spaces, unless part of an approved temporary use that closes the road on which that parking space is located.

#### **IP-1, M-1, and M-2 (Industrial Zoning Districts)**

In these zoning districts, sites are often larger, with larger operations and employers. These amendments propose up to two (2) food trucks at one time with an annual zoning permit, up to ten hours a day.

### **Private and Catered Events**

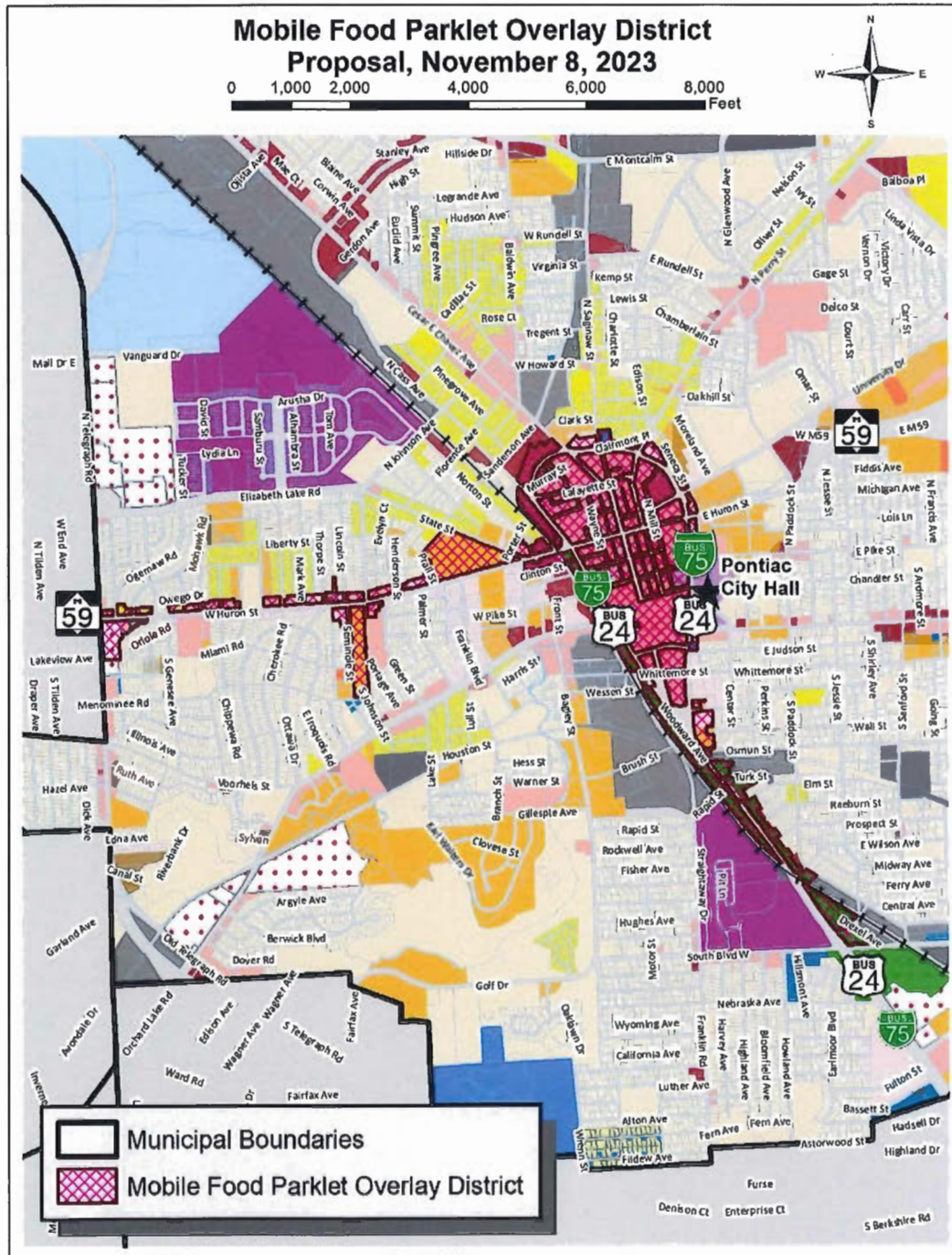
Private and catered events that do not open to the public, and where people are not being charged to receive food, are exempt from this ordinance. These catering and/or food vendors must still receive all necessary safety licenses and permits from Building, Fire and County Health departments, as required.

### **Mobile Food Parklet**



The City is proposing regulations to permit Mobile Food Parklets in a new Mobile Food Parklet Overlay District. This new overlay district is on West Huron Street, Woodward Avenue and in Downtown Pontiac, which includes properties on the inside and outside of the Woodward Loop.

*Exhibit 1: Mobile Food Parklet Overlay District*



A Mobile Food Parklet is a permanent location for temporary mobile food vendors. The owner would need to go through a site plan process and establish curb separation between cars and vendors, benches, electrical connections, lighting, and landscaping to comply with the zoning code. A temporary zoning permit would not be needed since they are receiving a zoning certificate for a permitted use. The permitted hours of operation are 7am – 9pm, however, in the C-2 district, the hours are permitted to be open until 3 am.

*Exhibit 2: Example of Mobile Food Parklet*



This is being established to create an atmosphere of placemaking within this overlay district, providing a permanent, and reliable location(s) for mobile food vendors, which have become quite popular in the community. Some of the locations in the Overlay District lend themselves to a mix of both pedestrian and vehicular traffic for customers, as they are close to residential neighborhoods and places of business.

**Part B: Special Event and Temporary Uses**

The City also wants to clarify in the Zoning Code the difference between Special Events and Temporary Uses. These amendments establish that Special Events and larger events are Major Temporary Uses and require a permit under that name. These events require more coordination and have a higher application fee.

Smaller events, like a sidewalk sale, would be considered a Minor Temporary Use and takes less planning, coordination, and review, and would require a lower application fee.

The City is also establishing an application for an Annual Mobile Food Vendor Location Permit. This application and permit allows a property owner or their designee to apply for mobile food vendor or vendors for specific zoning districts



If any of the following are proposed, it constitutes a Major Temporary Use. If it does not have any of these items, it would be a Minor Temporary Use. Staff would be able to use discretion to determine if an event requires additional review where fire, police, and public works need to coordinate for a Major Temporary Use.

- i. 200 or more individuals are expected to attend.
- ii. Three (3) or more mobile food vendors or commercial vendors.
- iii. Consumption of alcohol on the premises.
- iv. Temporary stages for concerts and/or performances.
- v. Multiple entertainment areas.
- vi. One large entertainment area.
- vii. Fireworks.

#### **Additional Fees**

These text amendments establish the following deposit and payments for the event.

Minor Temporary Use and Annual Mobile Food Vendors Location Temporary Use: Requires a cash deposit to clean up the site after the event. The funds will be returned if public services are not used for the event.

Major Temporary Use: The applicant will be required to provide payment for sheriff's services, fire services, and/or public works services for time spent in setup, during, or at the conclusion of the event. In addition, the applicant will have to provide the City with proof of liability insurance in advance of the event.

#### **Garage and Estate Sales on Residentially Zoned Properties**

The City has identified several properties that are having continuous garage sales. The City recognizes that Garage and Estate sales are an occasional, key function for a single-family residential property. These amendments limit this to two (2) periods in a calendar year of no more than three (3) days. This proposal also codifies that property owners need to apply for a Temporary Use zoning certificate to operate a garage or estate sale prior to the sale, although the fee will be waived.

#### **Exemptions**

The proposed ordinance provides exemptions for receiving a temporary use permit. These include funerals, city events, and private events that are not open to the public. While these items are exempt from the zoning ordinance but are still required to file any necessary applications or notifications to the City of Pontiac Building Department, Waterford Township Fire Department, and Oakland County Sheriff's Office.

#### **Application Deadline**

While these text amendments do not change the time required to apply before the event, it reinforces that an applicant must apply 60 days before the event.

#### **Summary**

These Zoning Text Amendments aim to establish a process for the City and mobile food vendors. The regulations ensure a balance to protect the City's neighborhoods, promote business within the City and protect existing businesses in the City. They help to ensure safety for the customers as well as for the businesses. The introduction of the Mobile Food Vendor Overlay District allows a more permanent setting

for these mobile operations which will assist in placemaking within the corridor.

For Temporary Events, these amendments give better clarity to the process and expectations for applicants, allowing them to better understand the requirements for submittal and approval.

**Planning Commission Recommendation**

Planning Commission recommends APPROVAL, 6-0, as their recommendation to the City Council for Mobile Food Vendors and Temporary Use Ordinances.

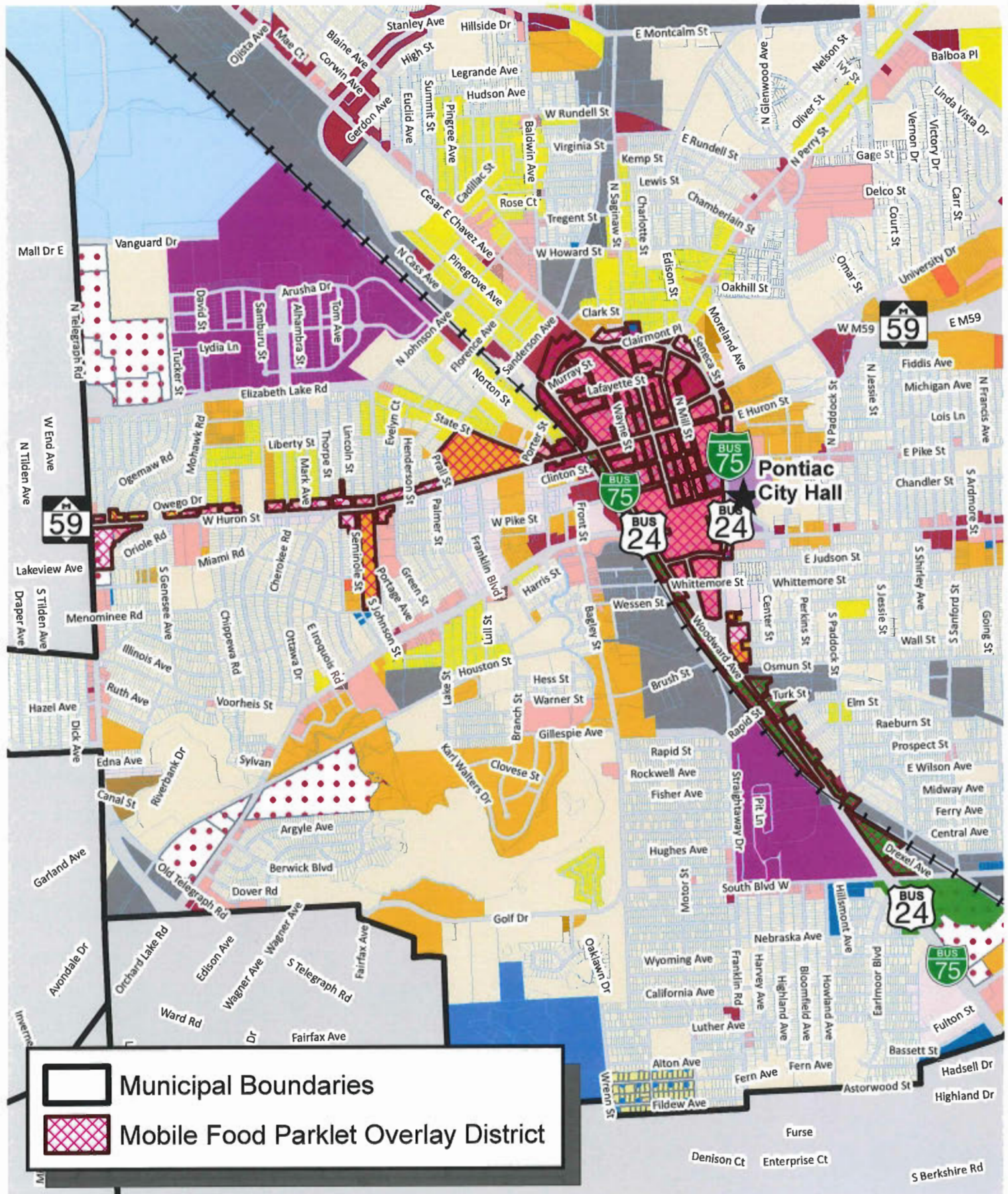
**Attachments:**

Proposed Zoning Ordinance

Proposed Mobile Food Vendor Overlay District Map

Proposed Municipal Ordinance





**Resolution of the Pontiac City Council  
To Approve First Reading of Zoning Text Amendment to Amend  
Article 2, Chapter 2, Section 2.204, Table 2 to add the Mobile Food  
Parklet Overlay District; Article 2, Chapter 5, Section 2.542  
regarding Temporary Uses; Article 2, Chapter 5, Section 2.544  
regarding Mobile Food Vendors; Article 2, Chapter 5, Section 2.551  
to add a Section regarding Mobile Food Parklets; Article 7, Chapter  
2, Section 7.207 to add definitions regarding Temporary Uses,  
Mobile Food Vendors, and Mobile Food Parklets**



**Resolution of the Pontiac City Council To Approve First Reading of Zoning Text Amendment to Amend Article 2, Chapter 2, Section 2.204, Table 2 to add the Mobile Food Parklet Overlay District; Article 2, Chapter 5, Section 2.542 regarding Temporary Uses; Article 2, Chapter 5, Section 2.544 regarding Mobile Food Vendors; Article 2, Chapter 5, Section 2.551 to add a Section regarding Mobile Food Parklets; Article 7, Chapter 2, Section 7.207 to add definitions regarding Temporary Uses, Mobile Food Vendors, and Mobile Food Parklets.**

At a meeting of the City Council ("Council") of the City of Pontiac, County of Oakland, State of Michigan (the "City") at a meeting held on November 14, 2023, at 47450 Woodward Ave, Pontiac, MI 48342 at 6:00p.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 Article 2, Chapter 2, Section 2.204, Table 2 to add the Mobile Food Parklet Overlay District; Article 2, Chapter 5, Section 2.542 regarding Temporary Uses; Article 2, Chapter 5, Section 2.544 regarding Mobile Food Vendors; Article 2, Chapter 5, Section 2.551 to add a Section regarding Mobile Food



Parklets; Article 7, Chapter 2, Section 7.207 to add definitions regarding Temporary Uses, Mobile Food Vendors, and Mobile Food Parklets.

**WHEREAS**, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the amendments to the Zoning Ordinance Amendments as presented.

**NOW THEREFORE, BE IT RESOLVED** by the Pontiac City Council that it hereby adopts the first reading of the amendments to the City of Pontiac's Zoning Ordinance as presented to the city Council on November 14, 2023.

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 October 24, 2023, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

By: \_\_\_\_\_

Its: City Clerk

Dated: \_\_\_\_\_

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

**ORDINANCE NO. [REDACTED]**

**ZONING ORDINANCE TEXT AND MAP AMENDMENT**

**AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO DEFINE MINOR AND MAJOR TEMPORARY USES AND TO REGULATE MOBILE FOOD VENDORS TO INCLUDE:**

AMEND ARTICLE 2, CHAPTER 2, SECTION 2.204, TABLE 2 ;

AMEND ARTICLE 2, CHAPTER 5, SECTION 2.542;

AMEND ARTICLE 2, CHAPTER 5, SECTION 2.544;

ADD ARTICLE 2, CHAPTER 5, SECTION 2.551 - MOBILE FOOD PARKLET

AMEND ARTICLE 7, CHAPTER 2, SECTION 7.207.

**THE CITY OF PONTIAC ORDAINS:**

**Amend Article 2, Chapter 2, Section 2.204, Table 2:**

**2.204 Zoning District Design Standards.**

The following Table 2 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 ordinance, 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.



Table 2. Uses Permitted by District

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

Table 2. Uses Permitted by District

<p>Key:    ■ Principal Permitted Use                      ○ Special Exception Use                      [blank] Use Not Permitted</p> <p>* Special Exception Permit Uses Outside                      ● Principal Permitted Uses in the Medical Marihuana</p> <p>the Medical Marihuana Overlay Districts                      Overlay Districts</p>													
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Child Care Center or Day Care Center		○	○	○	■	○	■	■				Section <a href="#">2.511</a>	
Funeral Home or Mortuary					■	■	■						
Gallery or Studio			○	■	■	■	■	■	■	■			
Lodging Uses													
<i>Bed &amp; Breakfast</i>	○	○	○	○	○	■						Section <a href="#">2.512</a>	
<i>Inn</i>				○	○	■	■	■					
<i>Hotel</i>						■	■	■					
Learning Center			○	■	■	■	■	■					
Medical Clinic					○	■	○						
Medical Marihuana Grower (D)									●	●	●	Section <a href="#">2.545</a>	
Medical Marihuana Processor (D)									●	●	●	Section <a href="#">2.546</a>	
Medical Marihuana Provisioning Centers (D)					*	●	●*	*	●	●		Section <a href="#">2.547</a>	
Medical Marihuana Safety Compliance Facility (D)					*	●	●*	*	●*	●*	●	Section <a href="#">2.548</a>	
Medical Marihuana Secure Transporter (D)					*	●	●*	*	●*	●*	●	Section <a href="#">2.549</a>	
<i>Mobile Food Parklet (allowed in the Mobile Food Parklet Overlay District only)</i>												Section <a href="#">2.551</a>	
Office			○	■	■	■	■	■					
Pawn Shops				○	○	○	○					Section <a href="#">2.513</a>	
Personal Service Establishment			○	■	■	■	■	■					

Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use			○ Special Exception Use					[blank] Use Not Permitted			
* Special Exception Permit Uses Outside the Medical Marihuana Overlay Districts				● Principal Permitted Uses in the Medical Marihuana Overlay Districts								
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Pet Boarding Facility					■			■	■	■	■	Section <a href="#">2.532</a>
Place of Assembly (<50 persons at maximum occ.)			○	○	■	■	■	■	■	■		Occupancy determined by fire code
Place of Assembly (51+ persons at maximum occ.)					○	■	■	■	■	■		
Restaurant			○	○	■	■	■	■				Only on A or B Street
Retail Sales												
<i>Small indoor – up to 5,000 sq. ft.</i>			○		■	■	■	■				
<i>Medium indoor – 5,001 – 75,000 sq. ft.</i>					■	■	■	■				
<i>Large indoor – no area limit</i>								■				
<i>Unlimited outdoor</i>							○	○	■	■		Section <a href="#">2.514</a>
Retail Sales (packaged alcoholic beverages)					○	○	○	○				Section <a href="#">2.515</a>
Sexually Oriented Businesses									○	○	○	Section <a href="#">2.508</a>
Workshop/Showroom					○	■	■		■	■	■	Section <a href="#">2.516</a>
Industrial Uses												
Automobile Service (Industrial)							○		■	■	○	
Heliport									○	○		
Manufacturing, Fabrication and Processing												
<i>Light</i>							■		■	■	■	Section <a href="#">2.517</a>
<i>General</i>									○	■	○	Section <a href="#">2.517</a>

Table 2. Uses Permitted by District

<p>Key:    ■ Principal Permitted Use                      ○ Special Exception Use                      [blank] Use Not Permitted</p> <p>*    Special Exception Permit Uses Outside                      ●    Principal Permitted Uses in the Medical Marihuana</p> <p>the Medical Marihuana Overlay Districts                      Overlay Districts</p>												
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Heavy										○		Section <a href="#">2.518</a>
Mini-Warehouse								○	■	■		Section <a href="#">2.519</a>
Movie and Television Production Facility						■	○		■	■	■	
Outdoor Storage or Outdoor Yard (major)									○	○	○	Section <a href="#">2.520</a>
Recycling Center									○	■		
Recycling Plant or Scrap Processing										○		
Research Facility (general)									■	■	■	
Research Facility (major)									○	■	○	
Salvage Yards/Resource Recovery Facilities/Junk Yards										○		
Service and Repair (industrial)									■	■	■	
Terminal, Public Transportation	○	○	○	○	■	■	■	■	■	■	■	
Terminal, Freight									■	■	○	
Wholesale Storage/Distribution												
Nontoxic, nonhazardous materials							■		■	■	■	
Toxic or hazardous materials									○	■	○	
Community, Education and Institution uses												
Assisted Living Facility		○	○	○	■	■	■					Section <a href="#">2.521</a>
Cemetery or Crematorium	○	○	○		○		○		○	○	○	Section <a href="#">2.522</a>

### Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use			○ Special Exception Use					[blank] Use Not Permitted				
*    Special Exception Permit Uses Outside    ●    Principal Permitted Uses in the Medical Marihuana Overlay Districts													
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Community Center Building	■	■	■										
Community Service Facility		○	○	○	○		○		■	■		Section <a href="#">2.523</a>	
Cultural or Municipal Use	○	○	■	■	■	■	■	■	■	■	■		
Hospital						■	■						
Nursing Home		○	○	○	■	■	■					Section <a href="#">2.521</a>	
Private Club, Fraternal Organization, or Lodge Hall			○	○	■	■						Only permitted along A or B street	
Public Parking Lot/Structure					○	○	○						
Religious Institution	○	○	○	■	■	■	■	■	■	■		Section <a href="#">2.524</a>	
School, College or University	○	○	○	○	○	○	○					Only permitted along A or B street	
School, Primary or Secondary	○	○	○	○	■	■	■						
School, Vocational				■	■	■	■		■	■	■		
Utility (minor)	■	■	■	■	■	■	■	■	■	■	■		
Utility (major)	○	○	○	○	○	○	○	○	■	■	■		
Recreation Uses													
Golf Course	○	○	○										
Private Recreation													
Small Indoor					■	■	■		■	■	○		
Large Indoor					○	○	○	○	■	■	○		

Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use			○ Special Exception Use					[blank] Use Not Permitted				
*    Special Exception Permit Uses Outside    ●    Principal Permitted Uses in the Medical Marihuana Overlay Districts													
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Small Outdoor	○	○	○	○					■	■	○	Section <a href="#">2.525</a>	
Large Outdoor					○	○	■	○	■	■	○	Section <a href="#">2.526</a>	
Park or Recreation Facility	■	■	■	■	■	■	■	■	■	■	■		
Animal and Agriculture Uses													
Agriculture, Urban	■	■	■	■	■	■	■	■	■	■	■	Section <a href="#">2.527</a>	
Bee Keeping	■	■	■									Section <a href="#">2.528</a>	
Community Gardens	■	■	■									Section <a href="#">2.529</a>	
Greenhouse or Nursery					○		■		■	■	■	Section <a href="#">2.530</a>	
Kennels									■	■	■	Section <a href="#">2.531</a>	
Veterinary Hospital or Clinic					■		■		■	■		Section <a href="#">2.533</a>	
Accessory, Temporary, and Other Uses													
Accessory Building or Structure	■	■	■	■	■	■	■	■	■	■	■	Section 2.205.C	
Boarders or Roomers (up to 2 per d.u.)	■	■	■	■								Section <a href="#">2.534</a>	
Drive-Through Facility (accessory to any principal use)					○	○	○	■				Section <a href="#">2.535</a>	
Helipad						○	○		○	○	○		
Home Occupation	■	■	■	■	■	■	■					Section <a href="#">2.536</a>	
Mobile Food Vehicle Vendor	○	○	○	■	■	■	■	■	■	■	■	Section <a href="#">2.544</a>	
Outdoor Retail Sales (accessory to a permitted use)					○	○	■	■	■	■	■	Section <a href="#">2.537</a>	

Table 2. Uses Permitted by District

<p>Key: ■ Principal Permitted Use      ○ Special Exception Use      [blank] Use Not Permitted</p> <p>* Special Exception Permit Uses Outside the Medical Marihuana Overlay Districts      ● Principal Permitted Uses in the Medical Marihuana Overlay Districts</p>												
USE	Residential Districts <sup>(A)</sup>			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R-1 <sup>(B)</sup>	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Outdoor Retail Sales (temporary or seasonal)				■	■	■	■	■	■	■	■	Section <a href="#">2.538</a>
Outdoor Sidewalk or Patio Dining (accessory to a permitted use)			○	○	■	■	■	■				Section <a href="#">2.539</a>
Outdoor Storage (accessory to a permitted use)				○	○	○	■	■	■	■	■	Section <a href="#">2.540</a>
Sustainable Energy Generation												
<i>Small Wind Energy System</i>	■	■	■	■	■	■	■	■	■	■	■	Section <a href="#">2.541</a>
<i>Utility Wind Energy System</i>										○		Section <a href="#">2.541</a>
<i>Solar Energy System</i>	■	■	■	■	■	■	■	■	■	■	■	Section <a href="#">2.541</a>
Temporary and Special Events	■	■	■	■	■	■	■	■	■	■	■	Section <a href="#">2.542</a>
Temporary Construction Facilities	■	■	■	■	■	■	■	■	■	■	■	
Wireless Telecommunication Facilities	○	○	○	○	○	○	○	○	■	■	■	Section <a href="#">2.543</a>

(Ord. No. 2316, § 1, 3-17-14; Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19; Ord. No. 2415, 6-20-23)

## AMEND ARTICLE 2, CHAPTER 5, SECTION 2.542

### 2.542 Temporary Uses and Special Events.

- A. **Purpose.** *This section is intended to ensure that the health and safety of residents is preserved during Temporary Uses by ensuring proper review of site plans and safety precautions, taking special care to consider the scale and scope of the temporary use. Temporary Uses and Special Events may be permitted in any zoning*

district; provided, that the ~~special event~~ temporary use does not harm or interfere with the use of neighboring premises or harm the health, safety, and welfare of any person.

## **B. Definitions**

1 **Temporary Use.** Any use of property that is not continuous. The City of Pontiac recognizes two (2) different types of temporary uses, minor temporary uses and major temporary uses. These shall be defined in further detail below.

a. **Minor Temporary Use.** Any use that is established for a fixed period of time, that is generally not appropriate for the zoning district on a long-term or continuous basis, which is open to the public and expects to generate a crowd of less than 200 individuals. For example, farmstands and sidewalk sales. Minor Temporary Uses are subject to the requirements of subsection E below.

b. **Major Temporary Use.** Any use that is established for a fixed period of time that is generally not appropriate for the zoning district on a long-term or continuous basis which is open to the public and expects to generate a crowd of more than 200 individuals or if the Planning Division, in its sole discretion, determines that the event is likely to require additional safety precautions including coordination with police and fire services. A temporary use will be considered a major temporary use if any of the following are present at the event:

- i. 200 or more individuals expected to attend.
- ii. Three (3) or more mobile food vendors or commercial vendors.
- iii. Consumption of alcohol on the premises.
- iv. Temporary stages for concerts and/or performances.
- v. Multiple entertainment areas.
- vi. One large entertainment area.
- vii. Fireworks.
- viii. Parades



*Major Temporary Uses are subject to the requirements of subsection F below.*

2 ***Garage and Estate Sales on Residentially Zoned Properties.*** *A temporary use on a residentially zoned property in which the owner or occupant of property is selling items of used tangible personal property such as clothing, household effects, tools, furniture, toys, recreation equipment, or other used or second hand items typically found in a home. Garage and Estate Sales on Residentially Zoned Properties are subject to the requirements of subsection G below.*

3 ***Annual Mobile Food Vendor Location.*** *A temporary use that requires an temporary use zoning permit to allow a licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or prepackaged) is sold or served to the general public to operate on a particular parcel. This permit allows any licensed mobile food vendor to operate on a parcel of property. Annual Mobile Food Vendor Location Permits are subject to the requirements of Section 2.544.*

C. *It is unlawful for any Person to hold or conduct a Temporary Use in the City of Pontiac unless the City administration has first issued a Temporary Use Permit in compliance with this Ordinance.*

D. ***Duration.*** ~~Special or temporary events~~ *For commercially zoned properties, temporary uses may be scheduled for a single period not exceeding 30 days during a calendar year, or for up to four (4) nonconsecutive 10-day periods during a calendar year. For residentially zoned properties, temporary uses may not exceed three (3) total consecutive days no more than twice in one (1) calendar year. For the purpose of this section, the term “nonconsecutive” is defined as the end of one period and the beginning of another period being separated by more than six (6) calendar days. Annual Mobile Food Vendor Location Permitholders are subject to the duration requirements set forth in Section 2.544.*

E. *Minor Temporary Use.*

1 **Application.** *Any individual seeking to establish a minor temporary use ~~Any special event~~ shall obtain an application from the ~~Building Department~~ Planning Division. Applications must be submitted a minimum of 60 days prior to the date of the ~~event~~ temporary use or event. The application shall include the following information:*

- a. *The name, residence, business address and phone number of the Owner of the property where the Temporary Use will be held, together with the name, residence, business address and phone number of the Operator of the Temporary Use;*
- b. *The name, residence, business address and phone number of each Person sponsoring the Temporary Use. If an organization is sponsoring the Temporary Use, the application shall contain the name, residence, business addresses of the President/Chairman or individual who is responsible for the Temporary Use; ~~Sponsor's name; representative's contact number;~~*
- c. *Name of use or event;*
- d. *Proposed location of the use or event; ~~Dates, times, and location of the use or event;~~*
- e. *Date(s) of the temporary use, including starting and ending times and any additional time required for set up and clean up;*
- f. *Copies of approval letters from the Oakland County Health Department, Building Department, Sheriff's Department, Emergency Medical Services, and the Waterford Regional Fire Department;*
- g. *Certification that the applicant will indemnify the City for and hold the City harmless from and indemnify the City against any and all claims, lawsuits, or other liability arising from or as a result of the temporary use, including all costs and attorney fees. Furthermore, acknowledgment that the applicant will agree to reimburse the City*

*for any costs for services provided by the City or its designated agents to mitigate any health, safety, or welfare issues caused by the temporary use, including emergency services, traffic, and/or crowd control, removal of structures, litter, and equipment and any associated attorney fees and court costs resulting from this mitigation;*

- h. *Such other information the Planning Division deems reasonably necessary in order to carry out his or her duties under this Ordinance.*
- i. *A non-refundable fee in accordance with the City's Fee Schedule.*
- j. ~~Size, number, and location of all signs;~~
- k. ~~If a City business license is required;~~
- l. ~~The expected number of participants.~~

- 2 **Sketch Drawing.** The application shall ~~also include~~ a sketch drawing of the premises on which the special or temporary event will be held. The sketch drawing must show the entrance and exit to the use or event, parking areas, signs and other pertinent details as requested *during the review process.* ~~by the appropriate department.~~ If the *temporary use special event* is to be held at more than one (1) location, such as a tour of buildings, the application shall include a map of the relevant details at each of the participating buildings or sites. ~~Any "temporary/special event," that in the opinion of the Planning Administrator, is not exempt from Planning Commission approval.~~ *The Planning Division may determine, in their sole discretion, whether approval by the Planning Commission is necessary.*

- a. Sketch drawings should include the following:
  - i. Tents.
  - ii. Signs.
  - iii. Booths.
  - iv. Canopies.
  - v. Tables.
  - vi. Portable toilets.

- vii. Rides.
  - viii. Temporary structures or displays of any kind (picture required if deemed necessary by staff).
  - ix. Parking arrangements.
  - x. Street closures/location of barricades.
  - xi. Nearby streets.
- 3 ***Cash Deposit.*** *The Planning Division will require a cash deposit for cleanup, sign removal, etc. in the amount of \$500.00 for each minor temporary use. Cash deposits are required to be paid 48 hours prior to the date of the event and shall be returned back to the bond holder within two (2) weeks once authorization is given by the appropriate authority.*
  - 4 ***Expenses Incurred by Sheriff's Department.*** *The Applicant shall be responsible for reimbursing the Sheriff's Department for any and all fees and expenses incurred by the Sheriff's Department due to the temporary use.*
  - 5 ***Waiver of Fees and Deposits for Minor Temporary Uses Occurring on Residentially Zoned Properties.*** *Garage, Yard, and Estate Sales on single family, residentially zoned properties are required to obtain a minor temporary use permit. Any and all fees and deposits for garage, yard, and estate sales occurring on single family, residentially zoned properties shall be waived.*

**F. Major Temporary Use.**

- 1 ***Application.*** *Any individual seeking to establish a major temporary use shall obtain an application from the Planning Division. Applications for all Major Temporary Uses must be submitted a minimum of 60 days prior to the date of the temporary use. The application shall include the following information:*
  - a. *The name, residence, business address and phone number of the Owner of the property where the Temporary Use will be held together with the name, residence, business address and phone number of the Operator of the Temporary Use;*
  - b. *The name, residence, business address and phone number of each Person sponsoring the Temporary Use. If an organization is sponsoring the Temporary Use, the application shall contain the*

*name, residence, business addresses of the President/Chairman or individual who is responsible for the Temporary Use;*

- c. *Name of use or event;*
- d. *Proposed location of the use or event;*
- e. *Date(s) of the Temporary Use, including starting and ending times and any additional time required for set up and clean up;*
- f. *Size, number, and location of all signs;*
- g. *Copies of any and all necessary licenses through the City, County, and/or State, including, but not limited to, Mobile Food Vendor License and Business Licenses;*
- h. *The expected number of participants.*
- i. *Copies of approval letters from the Oakland County Health Department, Building Department, Sheriff Department, Emergency Medical Services and Pontiac Fire Department.*
- j. *Copies of insurance policies naming the City as additional insured for one million dollars. The insurance policy shall indicate that it is coverage for the event. Nothing in this Ordinance shall be construed to affect in any way the City's governmental immunity as provided by law.*
- k. *Certification that the applicant will indemnify the City for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the Temporary Use, including all costs and attorney fees. Furthermore, the applicant will agree to reimburse the City for any costs for services provided by the City or its designated agents to mitigate any health, safety and welfare issues caused by the Temporary Use, including emergency services, traffic and/or crowd control, removal of structures, litter and equipment and any associated attorney fees and court costs resulting from this mitigation.*
- l. *Such other information the Planning Division deems reasonably necessary in order to carry out his/her duties under this Ordinance.*

- 2 **Sketch Drawing.** The application shall also include a sketch drawing of the premises on which the *temporary use* ~~special or temporary event~~ will be held. The sketch drawing must show the entrance and exit to the use or event, parking areas, signs and other pertinent details as requested by the appropriate department. If the temporary use is to be held at more than one location, such as a tour of buildings, the application shall include a map of the relevant details at each of the participating buildings or sites. ~~The Planning Division may determine, in their sole discretion, whether approval of the Planning Commission is necessary.~~ *The Planning Division may determine, in their sole discretion, whether approval by the Planning Commission is necessary.*
- a. Sketch drawings should include the following:
- i. Tents.
  - ii. Signs.
  - iii. Booths.
  - iv. Canopies.
  - v. Tables.
  - vi. Portable toilets.
  - vii. Rides.
  - viii. Temporary structures or displays of any kind (picture required if deemed necessary by staff).
  - ix. Parking arrangements.
  - x. Street closures/location of barricades.
  - xi. *Nearby streets*
- 3 **Review by Other Agencies.** *In addition to approval of the Planning Division, all major temporary use permits must be approved by the Fire Department, Police, and the Planning and Building Divisions as well as any other relevant departments as determined by the Planning Division in their sole discretion.*
- 4 **Expense Reimbursement.** *Applicant shall reimburse the City for the costs of City employees and for all other expenses incurred by the City in preparing for and administering the Temporary Use, including all costs related to any police presence and/or traffic control devices needed to ensure the physical security*

*of the proposed site and/or the surrounding area, as well as any cost of clean-up. Applicants shall be responsible for all costs related to any physical apparatus or barricades needed to ensure the physical security of the proposed site and the Temporary Use.*

**G. *Garage and Estate Sales on Residentially Zoned Properties.***

- 1 ***Application.*** Any individual seeking to establish a Garage or Estate Sale on Residentially Zoned Property shall obtain an application from the Planning Division. The application shall include the following information:
  - a. *The name, address, and phone number of the Owner of the property where the Temporary Use will be held; and*
  - b. *Date(s) of the temporary use, including starting and ending times.*
- 2 *The permit fee shall be waived for Garage and Estate Sales on Residentially Zoned Properties.*
- 3 ***Signs.*** Garage and Estate Sale signs may be placed on private property with permission of the property owner. Such signs may not be placed in the public right-of-way. Any signs placed in the public right-of-way may be removed and discarded by the City.

**H. *Requirements for All Temporary Uses.***

- 1 ~~***Signs.***~~ ~~Temporary signs associated with the special or temporary event shall comply with the requirements of Article 1. If multiple sites are listed, one temporary sign may be placed at each site. Signs connected with a special or temporary event may be displayed for up to 30 days prior to the event and shall be removed not more than three days after the event.~~
- 2 ~~***Vendors/Peddlers.***~~ ~~Applications must be submitted 48 hours prior to the event. All vendors are required to have a background check and be compliant with Chapter 26, Article XXIII of the Pontiac Municipal Code.~~
- 3 *All tents, buildings or structures erected or used for a Temporary Use shall:*
  - a. *not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues,*

- b. *be installed, constructed, used, occupied, and maintained in compliance with the provisions of any applicable federal, state or local rules or regulations, including, but not limited to, the Building Code and*
  - c. *be immediately removed at the conclusion of the Temporary Use.*
- 4 *Applicants shall comply with all conditions specified in the Temporary Use Permit and shall, for any Temporary Use as applicable, provide the following:*
- a. ***Environmental Health.*** *An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and servicing and sanitary method for disposing of solid waste that meets federal, state and local requirements, including the Oakland County Department of Public Health.*
  - b. ***Lighting.*** *If the Temporary Use is to occur after daylight hours, sufficient lighting shall be provided; however, such lighting shall not shine or reflect beyond the boundaries of the Temporary Use area.*
  - c. *If the Temporary Use is to occur after daylight hours, sufficient lighting may be required in the parking area as well at the sole discretion of the City.*
  - d. ***Parking.*** *A parking area sufficient to provide parking space for the maximum number of people allowed at any single time to attend the Temporary Use shall be provided.*
  - e. ***Traffic.*** *Traffic control measures shall be provided to ensure safe and efficient vehicular and pedestrian circulation including on-site movements and the flow of vehicular and pedestrian traffic onto public or private right-of-way. Ingress/egress shall be approved/permitted by the Oakland County Road Commission.*
  - f. ***Emergency Services.*** *Adequate security measures and fire systems shall be provided at the direction of the Oakland County Sheriff and/or the Fire Department including adequate facilities for communication with emergency service providers.*



- g. *Buildings occupied by the public for assembly purposes shall meet the requirement of the State of Michigan Construction Code.*
  - h. **Signage.** *If signage for the Temporary Use is used, it shall comply with signage requirements of the City of Pontiac Zoning Ordinance.*
  - i. **Environment.** *All activities shall conform to the soil erosion and sedimentation requirements of the Oakland County Drain Commission and the Michigan Department of Environmental Quality requirements for wetlands, stream crossings and water quality protection.*
- 5 **Expedited Approval.** *In the event that an owner or operator seeks to operate the same event, the owner or operator may apply for an expedited approval of the Temporary Use Permit after having conducted two (2) previous iterations of the same event events if:*
- a. *All previous events that occurred conducted by the owner or operator without any incidents and did not create problems,*
  - b. *There were no violations of a previously issued permit and,*
  - c. *Upon a finding by the City Administration that the application otherwise meets the requirements of this Ordinance.*
- 6 **Permits.** *Permits (building, sign, electrical, hydrant, right-of-way, etc.) and fees must be obtained/submitted at least two weeks prior to the event.*
- 7 **Notification.** *Applicant must notify all potentially affected property owners and advise them of the date and time of the proposed event, and description of the activity. The Planning Division may waive this requirement if other notification methods are deemed appropriate.*

#### **I. Exemptions.**

- 1 *The following Temporary Uses shall be exempt from obtaining a Temporary Use Permit:*
  - a. *City sponsored Temporary Uses.*
  - b. *Funeral Processions.*
  - c. *Private gatherings such as weddings, graduation parties and similar events that are held on private property that is the residence*

*of, or within the common area of a multi-family residential development of, an immediate family member; provided, however, that the event is not open to the general public and not for pecuniary gain or profit.*

d. *Temporary Uses conducted within a building designed and approved for assembly use, such as churches, halls and fraternal organizations, libraries, schools and recreational facilities.*

2 ~~**Bonds.** The Community Development Director may require bonds for cleanup, water usage, etc. Bonds are required to be paid 48 hours prior to the date of the event and shall be returned back to the bond holder within two weeks once authorization is given by the appropriate authority.~~

3 ~~**Insurance Required.** Liability insurance is required to be submitted to the Director of Community Development. Insurance must be submitted at least two weeks prior to the date of the event.~~

4 ~~**Permits.** Permits (building, sign, electrical, hydrant, right of way, etc.) and fees must be obtained/submitted at least two weeks prior to the event.~~

5 ~~**Notification.** Applicant must notify all potentially affected property owners and advise them of the date and time of the proposed event, and description of the activity. The Community Development Director may waive this requirement if other notification methods are deemed appropriate.~~

J. **Review.** ~~The temporary use special event permit application shall be submitted to the Community Development Director Planning Division, who shall distribute the application to any Community Development Director all appropriate departments affected by the special event temporary use for review and comment. These departments may include the Building Department, Oakland County Sheriff's Office, Police Department, Waterford Regional Fire Department, City Clerk, Public Works Director-Department, or any other City appropriate department. In reviewing the application, the departments shall consider traffic circulation, parking, sign placement, and surrounding uses. A permit shall be issued by the Planning Division upon verification of the following circumstances:~~

- 1 *The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a permit or any other document required pursuant to this article.*
- 2 *The applicant has met the standards in this article and agrees to such conditions as are imposed in the permit.*
- 3 *The time, duration, and size of the Temporary Use will not substantially disrupt the safe movement of traffic.*
- 4 *Any required or necessary street closure is of a size or nature such that it will not prevent normal police protection of the city.*
- 5 *The concentration of persons will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to that area where the Temporary Use is being held.*

K. **Permit Availability.** *The event organizer and/or his or her designee shall provide the approved permit upon request from any City, County, or State Official.*

L. ~~**Decision.** The Community Development Director shall approve, approve with conditions, or deny the application within 60 days of the receipt of the application. On approval, the Director of Community Development will issue a certificate of approval to the sponsor of the event.~~

M. **Effect of Denial.** *The sponsor of any application that is denied by the Community Development Director Planning Division may appeal the decision to the Zoning Board of Appeals under the provisions of Article [6](#), Chapter [4](#).*

N. **Timing of filing.** *The application for a permit shall be filed not less than sixty (60) days prior to the scheduled date of the Temporary Use. Failure to file on time will result in the denial of a permit. Certificates of insurance required under the terms of this Ordinance must be filed with the City no later than thirty (30) days prior to the event. Failure to file an insurance certificate in a timely manner shall result in immediate revocation of the permit and cancellation of the event.*

O. **Conditions in permit.** *Any permit granted under this article may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility, morals or welfare,*

*including, but not limited to, changes in time, duration, number or participants or noise levels.*

- P. ***Permit as a mere license.*** *No permit granted under this article allows the permit holder to exercise authority granted the City under either the Home Rule City Act, MCL section 117.1 et seq., or this Ordinance. The granting of a Temporary Use permit under this article is a mere license. Any attempts by a permit holder to assert the City's exclusive authority in any matter related to the event may result in the revocation of the permit pursuant to this Ordinance.*
- Q. ***Notice of issuance or denial.*** *Written notice of the issuance or denial of the permit shall be provided to the applicant within 30 days of receipt of an application. If a permit is denied, such written notice shall state the reason for denial.*
- R. ***Waiver of time limitations.*** *For good cause shown, the Planning Division may waive the time limitation for filing an application.*
- S. ***Revocation of permit.*** *Any permit for a Temporary Use issued pursuant to this article may be revoked by the Planning Division at any time when by reason of emergency disaster, calamity, disorder, riot, extreme traffic conditions, violation of this article or any permit conditions, or undue burden on public services, it is determined that the health, safety, tranquility, morals or welfare of the public where the safety of any property requires such revocation. Notice or revocation of the permit shall be delivered in writing to at least one person named upon the permit by personal service or by certified mail, or if the closure has commenced, orally, or in writing, by personal contact or service, or by telephone. Continuance after such notice has been delivered is unlawful.*
- T. ***Severability.*** *The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction such finding shall in no way affect or invalidate the remainder of this Ordinance.*
- U. ***Effective Date.*** *The Ordinance shall take effect following publication as permitted by law.*
- V. ***Repeal.*** *All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this section full force and effect.*

AMEND ARTICLE 2, CHAPTER 5, SECTION 2.544;

**2.544 Mobile Food ~~Vehicle~~ Vendors.**

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A. **Purpose.** The provisions of this section are intended to prevent predatory practices on brick-and-mortar restaurants and retail businesses while allowing for new food vending and retail vending opportunities that can add vitality to vacant commercial lots, underutilized sites, and residential lots with specific conditions. These provisions shall apply to *properties on which* businesses engaged in cooking, preparation and distribution of food or beverages ~~on properties located outside of the public right-of-way operate~~. This section does not apply to mobile vendors that move from place to place and are stationary for less than 15 minutes at a time, which are subject to regulations of Chapter 26 of the Pontiac Municipal Code. ~~Mobile food vehicle vendor sales, including those conducted in stands, trailers, wagons, or vehicles shall be permitted subject to the following requirements:~~

B. **General Regulations.**

- 1 *All mobile food vendors must apply and receive approval for an annual license from the City of Pontiac pursuant to Code Section 26-XIX Mobile Food Vendors and must receive annual inspection from the Waterford Regional Fire Department.*
- 2 *All Operating Mobile Food Vendors shall be prohibited from parking in on-street parking spaces.*
- 3 *All mobile food vendors and parts thereof located on or near a fueling station must be a minimum of 35' from all fueling pumps.*
- 4 *All mobile food vendors must secure an Annual Mobile Food Vendor Temporary Use Permit in accordance with Section 2.542(B) above with the exception that licensed mobile food vendors that are part of an approved community event or Temporary Use may not be subject the regulations below as part of the approved event. The event organizer is responsible for obtaining proper Community Event and/or Temporary Use permits and licensure with location and list of mobile food vendors for the properties requested for the event.*

- 5 *Each mobile food vehicle shall be allowed one (1) freestanding temporary sign or flag which may be displayed only while the vendor is operating. Scrolling or flashing signs are prohibited. Internally lit signs are prohibited. Signs may be lit externally.*
- 6 *No flashing or blinking lights or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.*

**C. Permitted Zoning Districts and Regulations.**

**1 R-1, R-1a, R-1b, and R-2 Zoning Districts**

- a. *Mobile food vendors are prohibited from operating on public street in front of a residential zoned district and on private properties except where outlined in this ordinance.*
- b. *A mobile food vendor may operate in a public park, school, or community center between the hours of 8am and 8pm provided that the applicant has approval from the property owner. If the mobile food vendor is a standalone mobile food truck, the use can operate as part of an annual Mobile Food Vendor Location Permit.*
- c. *A private residence where catering is being offered, the event is not open to the general public, and patrons are not paying individually for food or items are exempt from this ordinance.*
- d. *No more than one (1) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*

**2 R-3 and R-4 Zoning Districts.**

- a. *Hours of Operation. Mobile food vendors cannot operate for more than six (6) hours in a given day. Mobile food vendors may operate between the hours of 8am and 8pm.*

- b. *No more than one (1) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*

3 *C-0 and C-1, C-3, C-4, T-C, C-C, MUD Zoning Districts*

- a. *Hours of Operation. Mobile food vendors cannot operate for more than ten (10) hours in a given day. Hours of operation can only be between the hours of 8am - 9pm.*
- b. *No more than one (1) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*
- c. *Applicant must provide sketch plan and adequately account for parking of existing business and for customers of the mobile food vendor.*
- d. *Mobile food vendors are not permitted within 150 feet<sup>1</sup> of the property of a restaurant unless the restaurant(s) provides written, notarized authorization for the mobile food vendor to operate.*
- e. *Mobile food vendors are prohibited on sites that are vacant and do not have an active business with a current certificate of occupancy.*

4 *C-2, Downtown*

- a. *Hours of operation are permitted between 8am and 3am.*
- b. *Applicant must provide sketch plan and adequately account for parking of existing businesses and for customers of the mobile food vendor.*

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<sup>1</sup> Measured from parcel line to parcel line.

- c. *Mobile food vendors are not permitted within 100 feet<sup>2</sup> of a restaurant unless the restaurant(s) provides written, notarized authorization for the mobile food vendor to operate.*
- d. *Mobile Food Vendors are prohibited in public on-street parking except when part of an approved Major Temporary Use.*
- b. *No more than two (2) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*

5 *IP-1, M-1, and M-2*

- a. *Mobile food vendors cannot operate for more than ten (10) hours in a given day.*
- b. *No more than two (2) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*
- c. *Applicant must provide sketch plan and adequately account for parking of existing businesses and for customers of the mobile food truck.*
- d. *Mobile food vendors are not permitted within 150 feet<sup>3</sup> of the property of a restaurant unless the restaurant(s) provides written, notarized authorization for the mobile food vendor to operate.*

**D. Permit Required.** *All mobile food vendors must receive a license in accordance with Section XIXa, Section 26-1030 through 26-1037 of the Pontiac Municipal Code. All property owners of the parcel on which a Mobile Food Vendor is operating must receive either an Annual Mobile Food Vendor Location Permit in accordance with subsection E below or be operating in the course of a Temporary Use which has*

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<sup>2</sup> Measured from parcel line to parcel line.

<sup>3</sup> Measured from parcel line to parcel line.



*received a Temporary Use permit in accordance with the standard of Sections 2.542(E) and/or (F).*

***E. Annual Mobile Food Vendor Location Temporary Use Permit.***

***1 Application.*** *Any individual seeking to obtain an annual mobile food vendor zoning permit shall obtain an application from the Planning Division. The application shall include the following information:*

- a. Applicant's name, address, and telephone number.*
- b. Whether the applicant has previously received a permit for a mobile food vendor in the City.*
- c. The physical address of the real property on which the mobile food vendor will be located.*
- d. If not the owner of the real property, an affidavit from the property owner providing written permission to place the mobile food truck on the property, as well as an acknowledgment from the property owner of receipt of a copy of this section and understands the regulations and requirements set forth in this section, must be submitted. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.*
- e. A nonrefundable fee in accordance with the City's fee schedule.*
- f. Nature of proposed mobile food vendors, including food/beverage type (nonalcoholic only);*
- g. Vehicle or structure type;*
- h. Site signage diagram;*
- i. Duration that sales will occur on the site;*
- j. Hours of operation.*

***2 Sketch Drawing.*** *The application shall also include a sketch drawing of the premises on which the mobile food truck will be located. The sketch drawing shall include the following:*

- a. Location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with mobile food vendors;*

- b. Site dimensions of any existing buildings on the lot including building setbacks;
- c. Existing public improvements, such as fire hydrants, bus shelters, ~~and trees and tree grates and parking meters;~~
- d. Surface type of the lot (e.g., unimproved/paved);
- e. A parking plan, including traffic circulation patterns;
- f. Site lighting plan;
- g. Location of trash receptacles;
- h. Location of on-site water, generator, and/or electric utilities that will serve concession vendor(s);
- i. Location of sanitary facilities;
- j. Business district map identifying existing restaurants located within buildings, as well as other mobile food ~~vehicle~~ vendor locations within 300 feet; and
- k. Photographs of the area.

F. **~~Ancillary Use.~~** ~~Mobile food vehicle vendors may be permitted as an ancillary use to the principal permitted use and business on the lot or site.~~

G. **~~Principal Use.~~** ~~Mobile food vehicle vendors as a principal use on a vacant lot or as part of a group of retail business buildings approved under a single approved plan shall be permitted in all mixed-use and industrial districts subject to the provisions of Chapter 26 of the Municipal Code.~~

H. **~~Special Exception Permit Required.~~** ~~In any residential zone district, mobile food vehicle vendors shall be subject to special exception permit approval standards and the provisions of Chapter 26 of the Municipal Code.~~

I. **Approvals.** In addition to satisfying the requirements of *the City of Pontiac Zoning Ordinance* ~~this section~~, evidence of approval from the Oakland County Health Department shall be provided for all mobile food ~~vehicle~~ vendors. ~~A Pontiac business license shall also be obtained from the Building Department for all mobile food vehicle vendors and operators.~~

- J. **~~Outdoor Cooking.~~** ~~Outdoor food preparation and cooking is prohibited within 150 feet of a residential building or zone district.~~
- K. **~~Storage Not Permitted-Active Use.~~** ~~stand, trailer, wagon, or vehicle that is located on a property for the purposes of mobile food vehicle vendors shall remain in continuous operation so long as the premises are occupied. If the business closes, ceases to operate, or fails to keep regular business hours then the temporary use permit may be revoked by the Planning Department and the stand, trailer, wagon or vehicle shall be immediately removed from the property. Unless granted temporary approval by the Planning Division, a mobile food truck shall not be left unattended and unsecured at any time. Any mobile food truck found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.~~
- L. **Parking Area.** The area occupied by ancillary mobile food vehicle vendors shall be no more than 20 percent of any required parking spaces or area on a site. Sufficient on-site or district parking shall be provided for each stand, trailer, wagon, or mobile food truck on a lot; this shall be in addition to any other required parking for retail business buildings located on the same parcel.
- M. **Pedestrian Space.** A minimum pedestrian clear space of five feet is required along all public walkways, unless waived in accordance with provisions of the *City of Pontiac* Zoning Ordinance.
- N. **Public ROW and Clear Vision.** Mobile food vehicle vendors shall not be located in the public right-of-way or on public property unless otherwise approved and shall be outside of clear vision areas.
- O. **Sanitary Facilities.** Tables and chairs may be provided for customer use only if arrangements are made and documentation is provided for sanitary facilities within 100 feet. Trash receptacles shall be provided. *Any and all tables and chairs must be located no less than 10 feet from any operating mobile food vendors.*
- P. **~~Hours of Operation.~~** ~~Operating hours shall be 10:00 a.m. until 10:00 p.m. Sunday through Thursday and 10:00 a.m. until 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission.~~

Q. **Co-Location.** ~~Where mobile food vehicle vendors have been approved on a lot as a principal use, consideration shall be given to locating additional mobile food vehicle vendors on the same lot.~~

R. **Sound.** No outdoor amplified music, sound, or noise shall be permitted for mobile food ~~vehicle~~ vendors. *Any electrical or outdoor generators that provide power must be approved by the Building Division ~~shall be identified~~; such generators may be prohibited if it is anticipated that such an operation will create a nuisance to neighbors due to noise, exhaust or vibration.*

S. ***Revocation of Permit, Removal of Mobile Food Vendor, and Liability.***

1. *The Planning Division shall have the right to revoke any permit issued hereunder for a violation of this section. Any of the grounds upon which the Planning Division may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this section or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The Planning Division shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. Should the permittee receive two (2) or more written notifications within a calendar year, the permit shall be revoked by the Planning Division and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.*
2. *Similarly, any two (2) notices of violation from the building department, planning and zoning department, Sheriff's Department, or Waterford Regional Fire Department within a twelve (12) month period shall constitute grounds for the revocation of a permit. Notice shall be deemed given upon mailing of the same to the designated Applicant.*
3. *Upon revocation, the mobile food truck shall be removed from the real property within ten days.*

T. ***Penalty and Remedies.***

- 1 In addition to revocation of permit pursuant to subsection (M) of this section, any person violating the provisions of this section is guilty of a civil infraction.*
  - 2 In addition to the penalty provided in subsection (M)(1) of this section, condition caused or permitted to exist in violation of the provisions of this section, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.*
  - 3 Nothing in this section shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this subsection for violation of this section.*
  - 4 The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.*
- S. **Repeal.** All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this section full force and effect.*

~~Θ. **Required Site Information.** A site plan shall be submitted that includes:~~

- ~~1. Location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with mobile food vehicle vendors;~~
- ~~2. Site dimensions of any existing buildings on the lot including building setbacks;~~
- ~~3. Existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters;~~
- ~~4. Surface type of the lot (e.g., unimproved/paved);~~
- ~~5. A parking plan, including traffic circulation patterns;~~
- ~~6. Site lighting plan;~~
- ~~7. Location of trash receptacles;~~
- ~~8. Location of on-site water, generator, and/or electric utilities that will serve concession vendor(s);~~
- ~~9. Location of sanitary facilities;~~

~~10. Business district map identifying existing restaurants located within buildings, as well as other mobile food vehicle vendor locations within 300 feet; and~~

~~11. Photographs of the area.~~

**P. Required Mobile Food Vehicle Vendor Facilities Information.** A narrative with elevation drawings shall be submitted that describe and show:

~~1. Nature of proposed mobile food vehicle vendors, including food/beverage type (nonalcoholic only);~~

~~2. Vehicle or structure type;~~

~~3. Site signage;~~

~~4. Duration that sales will occur on the site;~~

~~5. Hours of operation.~~

**Q. Temporary Use Permit Required.** A temporary use permit shall be obtained by each mobile food vehicle vendor business on a property. The vendor shall adhere to all regulations and requirements of this section and any conditions imposed by the Planning Department. The Planning Director shall apply the review standards of this section to ensure that the proposed mobile food vehicle vendors will not be in conflict with these standards in the issuance of a temporary use permit.

**R. Review Standards.** The following considerations shall be used by the Planning Department and the Planning Director in the deliberation and approval of a mobile food vehicle vendor's request for the site and/or vendor business:

~~1. Will the use contribute to the vitality and experience of the business district?~~

~~2. Will the use support or detract from existing brick and mortar establishments?~~

~~3. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long term viability of nearby businesses?~~

~~4. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?~~

~~5. Will the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?~~

~~S. **Location.** Mobile food vehicle vendors shall be located on an A or B street only.~~

~~T. Temporary structures shall meet the setback requirements applicable to the principal building in the zoning district and shall not be located within 150 feet of any residentially zoned property.~~

~~U. Signs are limited to those placed directly on the mobile food vehicle. No separate freestanding signs are permitted. All signs shall have a professional appearance.~~

(Ord. No. 2318, § 1, 3-17-14)

## ADD ARTICLE 2, CHAPTER 5, SECTION 2.551 - MOBILE FOOD PARKLET

A. **Purpose.** *The provision is intended to allow the owner of a property to designate the primary use of the property as a mobile food parklet. The City intends to create new opportunities for dining while ensuring the health and safety of residents.*

B. **Definitions.**

1 *Mobile Food Parklet.* *A mobile food parklet is a built environment that establishes a permanent facility for one or multiple mobile food vendors, even if a mobile food truck, which is temporary in nature, may be stationed to sell food to patrons for a temporary period of time.*

C. **Regulations.**

1 *All Mobile Food Parklets must contain the following:*

- a. *Curbing between the mobile food vendors and vehicles to maintain health, safety, and sanitation for pedestrians and customers.*
- b. *Parking. All sites must have a minimum of four (4) parking spaces plus two (2) spaces per mobile food vendor located on the site at any*

*given time. All Parking must meet the parking standards set forth in Article 4 Chapter 3 of the City of Pontiac Zoning Ordinance.*

- c. Outdoor Seating Areas. Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8-foot-high solid obscuring wall.*
- d. Lighting. On-site exterior lighting shall satisfy the provisions of Chapter 5 of the City of Pontiac Zoning Ordinance.*
- e. Restrooms. Permanent restroom facilities shall be provided within the boundaries of the mobile food parklet in accordance with the Michigan Plumbing Code.*
- f. Electrical. Electricity access shall be provided for each individual mobile food vendor pad on site. Portable generators are prohibited.*
- g. Water. Water hookup/access shall be provided for each individual mobile food truck pad on site.*

*2 The property that a mobile food truck parklet must be located 150 feet<sup>4</sup> from a property where a brick-and-mortar restaurant is located.*

*3 Mobile Food Parklets may operate between the hours of 7am and 9pm with the exception of Parklets located in the C-2 zoning district. Mobile Food Parklets located in the C-2 zoning district may operate between the hours of 7am and 3am.*

*4 External speakers or live entertainment are permitted between the hours of 9am and 10pm and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.*

**D. License Necessary.** *All mobile food vendors must apply for and receive an annual City of Pontiac Mobile Food Truck license in accordance with Section 26-XIXa and receive inspection approvals from the fire and health departments.*

**E. Application.** *Staff can approve a Mobile Food Parklet as an Administrative Approval with a sketch plan in accordance with Table 17 as well as the requirements in subsection U below.*

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<sup>4</sup> Measured from parcel line to parcel line.



***F. Sketch Plan Requirements.*** *All sketch plans must include the following:*

- 1 The location and orientation of each mobile food vendor pad and each permanent structure.*
- 2 The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.*
- 3 The location of all fire lanes.*
- 4 The location of fire hydrants.*
- 5 Lighting Plan.*
- 6 The location and type of water supply and electrical outlet(s) provided for each mobile food truck pad.*
- 7 Signage plan.*
- 8 Waste Receptacles and dumpsters. All waste receptacles and dumpsters must comply with the requirements of the City of Pontiac Zoning Ordinance.*

***G. Permitted Zoning Districts.***

- 1 The mobile food parklet may be located in the Mobile Food Parklet Overlay District.*

**AMEND ARTICLE 7, CHAPTER 2, SECTION 7.207.**

*Mobile Food Truck. A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or prepackaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream trucks).*

*Mobile Food Vendor. An operator of a mobile food truck who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food truck.*

*Mobile Food Parklet. A mobile food parklet is a built environment that establishes a permanent facility for one or multiple mobile food vendors, even if a mobile food truck, which is temporary in nature, may be stationed to sell food to patrons for a temporary period of time. The site must have permanent features such as a curb between the mobile food vendors and vehicles for*

*pedestrians and customer nature. The site must have benches for patrons wishing to consume food on premises as well as permanent electricity as well as lighting and landscaping requirements to meet the zoning code requirements.*

*Operating Mobile Food Vendor. A mobile food vendor that is actively cooking and selling food.*

*Temporary Use. Any use of property that is not continuous. The City of Pontiac recognizes two (2) different temporary uses, minor temporary uses and major temporary uses. Private Events. Any temporary use which is not open to the public.*

*Temporary Use, Major. Any use that established for a fixed period of that is generally not appropriate for the zoning district on a long-term or continuous basis which is open to the public and expects to generate a crowd of more than 200 individuals or if the administration, in its sole discretion, determines that the event is likely to require additional safety precautions including coordination with police and fire services. A temporary use will be considered a major temporary use if any of the following are present at the event:*

- i. Three (3) or more mobile food vendors or commercial vendors.*
- ii. Consumption of alcohol on the premises.*
- iii. Temporary stages for concerts and/or performances.*
- iv. Multiple entertainment areas.*
- v. One large entertainment area.*
- vi. Fireworks.*

*Temporary Use, Minor. Any use that established for a fixed period of that is generally not appropriate for the zoning district on a long-term or continuous basis which is open to the public and expects to generate a crowd of less than 200 individuals. For example, farmstands and sidewalk sales.*

**#11**

**RESOLUTION**



TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: November 8, 2023

RE: Municipal Ordinance Amendment: Mobile Food Vendors

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### **Executive Summary**

The City is proposing zoning code amendments to amend regulations for Mobile Food Vendors and Temporary Uses to establish regulations within each zoning district for mobile food vendors and establish clearer regulations for Temporary Uses within the City.

As part of this, the Planning Division is also proposing several municipal code amendments from the Mobile Food Truck Ordinance to align with the Zoning Code Changes.

### **Overview**

There are four (4) overall amendments proposed for the municipal ordinance. They are as follows, with the rationale in italics below each amendment.

1. Clarifies Language on waiving the fee religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.

*Rationale: This does not change the policy of religious, charitable, and nonprofit organizations with a mobile food truck but clarifies the language.*

2. Prohibits mobile food vendors from operating on public streets unless approved as part of a Temporary Use with a street closure.

*Rationale: With the zoning code changes prohibiting parking on public streets in several zoning districts, including residential zoned districts and the C-2 Downtown District, this amendment aligns with the language that states that Mobile Food Vendors may only operate on private property or part of an approved temporary use, where there is an approved road closure.*

3. Clarifies language that a mobile food vendor needs a mobile food vendor license instead of a business license. Business licenses are needed for all other businesses, which are traditionally brick-and-mortar businesses or businesses that have a permanent address. This license is in addition to any zoning requirements for a temporary use.

*Rationale: This amendment aligns with the current practice of mobile food vendors obtaining an annual mobile food vendor license from the City instead of a business license.*

4. Temporary Events: Intent, Definitions and General Provisions

*Rationale: This is being added to complement the zoning code text amendment and establish that it is unlawful to conduct a Special Event or Temporary Use without a Zoning Permit.*

### **Staff Recommendation**

Staff recommends that City Council consider the adoption of these Municipal Code Amendments for Mobile Food Vendors and Temporary Uses to align with the proposed Zoning Code Amendments.

**Attachments:**

Proposed Municipal Ordinance

**Resolution of the Pontiac City Council  
To Approve the First Reading of Municipal Ordinance Text  
Amendment to Amend Article XIXa, Chapter 26, Sections 26-1030  
through 26-1037 to amend regulations for mobile food vendors in  
the City.**



**Resolution of the Pontiac City Council To Approve First Reading of Zoning Text  
Amendment to Amend Article XIXa, Chapter 26, Sections 26-1030 through 26-1037 to  
amend regulations for mobile food vendors in the City.**

At a meeting of the City Council ("Council") of the City of Pontiac, County of Oakland,  
State of Michigan (the "City") at a meeting held on November 14, 2023, at 47450 Woodward Ave,  
Pontiac, MI 48342 at 6:00p.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 Article  
XIXa, Chapter 26, Sections 26-1030 through 26-1037 to amend regulations for mobile food vendors  
in the City..

**WHEREAS**, the City of Pontiac City Council finds it is in the best interest for the health, safety, and  
welfare, to approve the amendments to the Zoning Ordinance Amendments as presented.

**NOW THEREFORE, BE IT RESOLVED** by the Pontiac City Council that it hereby adopts the first  
reading of the amendments to the City of Pontiac's Zoning Ordinance as presented to the city Council  
on November 14, 2023.

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 October 24, 2023, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

By: \_\_\_\_\_  
Its: City Clerk

Dated: \_\_\_\_\_

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF PONTIAC

ORDINANCE NO. \_\_\_\_\_

MUNICIPAL ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL ORDINANCE  
TO AMEND LICENSING REQUIREMENTS FOR MOBILE FOOD TRUCKS AND TO  
REGULATE SPECIAL EVENTS TO INCLUDE:

ARTICLE XIXa, CHAPTER 26, SECTIONS 26-1030 THROUGH 26-1037

ARTICLE \_\_\_\_, CHAPTER \_\_\_\_, SECTION \_\_\_\_

THE CITY OF PONTIAC ORDAINS:

ARTICLE XIXa. MOBILE FOOD VENDORS

**26-1030 Mobile food vendors.** ☒

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

**26-1031 Short title.**

This article may be referred to as the “City of Pontiac Mobile Food Vendor Ordinance.”

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

**26-1032 Definitions.**

As used in this article, the following term shall have the meaning indicated:



“Mobile food vendor” means a motorized vehicle, temporary stationary stand, or trailer used for the purpose of selling prepared foods to the general public.

*“Mobile Food Vendor Permit” means a permit issued in accordance with this section to operate as a Mobile Food Vendor within the City of Pontiac.*

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

### **26-1033 Scope.**

The provisions of this article apply to mobile food vendors engaged in the business of cooking, preparing, and distributing food or beverages for sale to the general public in public and private restricted spaces. This article does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts and stands located on sidewalks.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

### **26-1034 ~~License~~ Permit required.**

- A. It shall be unlawful for any person or business organization, including any religious, charitable, or nonprofit organizations, to operate within the City a mobile food vendor without a ~~license~~ *Permit* for that purpose. *Any costs and fees will be waived for religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.*
- B. Applicants for a ~~business license~~ *Mobile Food Vendor Permit* as a ~~mobile food vendor~~ shall obtain all necessary licenses and permits from the Oakland County Health Department and other applicable governments.
- C. A person desiring to operate as a mobile food vendor shall make written application for such ~~license~~ *Permit* to the Planning Division. The application for a ~~license~~ *Permit* shall be on forms provided by the City and shall include the following:
  - 1 Name, signature, phone number, email contact, and business address of the applicant.

- 2 Information on the mobile food vendor equipment to include year, make and model of the vehicle or trailer (if applicable) and dimensions, which shall not exceed 36 feet in length or nine feet in width.
- 3 Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
- 4 Insurance coverage.

- D. Proof of a general comprehensive liability policy with limits of no less than \$2,000,000.00 combined single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.
- E. Proof of a public liability and property damage motor vehicle policy (if applicable) with limits of no less than \$1,000,000.00 issued by an insurer licensed to do business in this state.

- 1 Any other information reasonably required by the Planning Division.

- F. All vendors receiving a ~~license~~ *Permit* under this article shall pay the annual fee *in accordance with the fee schedule as set from time to time by City Council with the exception of religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.*
- G. ~~Mobile food vendors are not subject to the team inspection requirement of the City's business license ordinance.~~
- H. All mobile food vendors shall be subject to the *permit renewal* ~~renewal business license fee with the exception of religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.~~
- I. Each Mobile Food ~~license~~ *Vendor Permit* issued during a calendar year shall expire on December 31 of that year.

- J. A ~~license~~ *Mobile Food Vendor Permit* issued under this article shall not be transferable from person to person *or between vendors*.
- K. A ~~license is valid for one mobile food vendor only and shall not be transferred between vendors.~~

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

## **26-1035 Regulations.**

- A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the ~~license~~ *Mobile Food Vendor Permit* holder has not been authorized to operate. Public areas where parking by mobile food vehicles is permitted shall be identified by the Planning Division. *Operation by mobile food vendors on public streets is prohibited unless operating as part of an approved Temporary Use that has received approval for street closure.*
- B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving-lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.
- C. No mobile food vendor shall provide or allow any dining area within ten feet of the mobile food operation, including but not limited to tables and chairs, booths, stools, benches, or stand-up counters.
- D. Customers shall be provided with single-service articles, such as plastic utensils and paper plates, ~~and a waste container for their disposal.~~ All mobile food vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vendors shall be collected and disposed of *off-site* by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed. Barbeque pits shall require coals to be disposed of in a metal container with a securable lid. Coals must be emptied from the barbeque pit at the end of each day by the operators.

- E. No mobile food vendor shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles, including generators, shall adhere to the standards set forth in chapter 58, article IV – Non-Vehicular Noise. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- F. ~~No flashing or blinking lights or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.~~
- G. Mobile food vehicles, when parked on public streets, shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.
- H. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended on public streets shall be considered a public safety hazard and may be ticketed and impounded.
- I. A mobile food vendor shall not operate within 150 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained written permission from the event sponsor or obtained a special permit from the Planning Division. The City shall not charge a fee for such special permits.
- J. The issuance of a Mobile Food Vendor ~~license~~ *Permit* does not grant or entitle the vendor to the exclusive use of any service route or parking space to the ~~license~~ *Permit* holder.
- K. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
- L. No mobile food vendor shall use seating, tables or other equipment unless such equipment is ordinarily stored within the vending apparatus. When extended, awnings for mobile food vendors shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.

- M. Any power required for mobile food vendors located on a public way shall be self-contained, and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vendors on private property may use electrical power from the property being occupied or an adjacent property when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk. It is not permissible to connect mobile food vendors to the public natural gas lines or large tanks of propane/natural gas. Portable gas containers or generators running on gasoline or diesel fuel are permitted.
- N. Mobile food vendors shall not be located within 150 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business, unless they ~~either obtain written permission from such brick-and-mortar restaurant, or obtain a special permit from the Planning Division. The City shall not charge a fee for such special permits.~~
- O. Mobile food vendors shall not be located within 150 feet of a residential building, unless they either are located on private property zoned *multi-family residential*, commercial, industrial or mixed use. ~~or obtain a special permit from the Planning Division. The City shall not charge a fee for such special permits.~~

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

#### **26-1036 Enforcement.**

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- A. Any ~~license~~ *Mobile Food Vendor Permit* holder operating as a mobile food vendor in violation of any provision of this article or any rules and regulations promulgated by the City shall be subject to a civil fine of \$500.00 per day. Each day of violation shall constitute a separate and distinct offense.
- B. Once a ~~license~~ *Mobile Food Vendor Permit* has been issued, it may be revoked, suspended or not renewed by the ~~Community Development Director~~ *Planning Division* for failure to comply with the provisions of this article and any rules or regulations promulgated by the City.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

## **26-1037 Denials and appeals.**

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- A. Pursuant to section 26-43, Denial; revocation; suspension, the issuance of ~~licenses~~ *Permit* applied for under this article may be denied by the ~~Director of Community Development Planning Division~~ and ~~licenses Permits~~ issued may be revoked or suspended by the ~~Director of Community Development Planning Division~~ at any time for the reasons set forth in section 1-24 and in accordance with the procedures contained therein, unless specifically provided for otherwise in this article.
- B. Pursuant to section 26-44, Hearing procedures, any person whose application for a ~~license Permit~~ is denied shall have the right to a hearing before the Board of Appeals, provided a written request therefor is filed with the ~~Administrator Planning Division~~ within ten days following the denial of the application for a ~~Permit license~~. The Board of Appeals may reverse any determination to deny the issuance of a ~~license Permit~~ and the Board of Appeals may grant any ~~license Permit~~. No person shall operate any business during any time when his ~~license Permit~~ therefor has been suspended, revoked or cancelled. Before a ~~license Permit~~ issued pursuant to this article may be suspended or revoked, the notice and hearing procedures contained in section 1-24 shall be followed.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

## **26-1038—26-1075 Reserved.**

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*ARTICLE \_\_\_\_\_, CHAPTER \_\_\_\_\_, SECTION \_\_\_\_\_ – to regulate Special Events and/or Temporary Uses held on public and/or private property:*

### ***Intent.***

*The intent of this ordinance is to protect the public health, safety and general welfare of the City of Pontiac residents by establishing regulations relating to the operation, control and management of Special Events, to provide for traffic, parking, security and nuisance abatement; to provide penalties for violation of said ordinance.*

### ***Definitions.***

*Special Event means any event, whether conducted on public or private property, that may generate or invite public attendance, participation, or spectators for a particular and limited purpose and time, including but not limited to for profit parties, festivals, concerts, shows,*

*exhibitions, carnivals, circuses, parade, fundraising walks or runs, fairs, or any similar events or activities. Also referred to as a Temporary Use.*

*Temporary Use Permit means a permit issued by the Community Development Direct which allows the Applicant to conduct a Temporary Use and/or Special Event.*

***General Provisions.***

*It is unlawful for any Person to hold or conduct any Special Event or Temporary in the City of Pontiac unless the Planning Division has first issued a Temporary Use Permit in compliance with Section 2.542 of the Pontiac Zoning Ordinance.*

**#13**

**RESOLUTION**





# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

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**TO:** Council President McGuinness and City Council Members

**FROM:** Tim Greimel, Mayor

**DATE:** November 9, 2023 for the November 14, 2023 City Council Meeting

**RE:** Request that Pontiac City Council approve Awarding a Professional Services Contract to Baird to Advise the City regarding Improving the City's Bond Rating and regarding Financing Options for Road Improvements and Other City Infrastructure

As we explore financing options to improve city roads and, potentially, for other city facilities and infrastructure, we need to retain the services of a financial consulting firm.

The City's bond counsel, Miller Canfield, connected us with the highly respected firm of Baird, with whom Finance Director Tim Sadowski, Acting City Engineer Shannon Filarecki, and I met earlier this week.

Baird can also assist the City in approaching one or more credit rating agencies to advocate for an improved credit rating. Baird believes we will likely be successful in this endeavor due to the improved financial condition of the City.

Attorney Beth White McDonnell of Clark Hill has drafted the attached resolution authorizing contracting with Baird. Clark Hill is still reviewing pricing and other contract terms and negotiating those terms with Baird, so the resolution would authorize the City to enter into a contract that will be finalized subject to those negotiations in a not-to-exceed amount of \$100,000.

**CITY OF PONTIAC**  
**Oakland County, Michigan**

**RESOLUTION**

No. \_\_\_\_\_

At a Regular Meeting of the City Council of the City of Pontiac, Oakland County, Michigan, held at the 47450 Woodward Ave., Pontiac, MI 48342 on the 14<sup>th</sup> day of November, 2023, at \_\_\_\_\_, p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by Council member \_\_\_\_\_  
and supported by Council member \_\_\_\_\_.

WHEREAS, the City of Pontiac has engaged Miller Canfield P.L.C., for certain legal services associated with the potential issuance of bonds for projects within the City; and

WHEREAS, Miller Canfield P.L.C., has advised the City that municipal financial advising services are necessary to the financing of those potential projects and has recommended the engagement of Robert Baird & Co., Inc., for such municipal financial services; and

WHEREAS, the City is authorized to engage the Baird firm for such specialized municipal financial services under City Charter and the City Code of Ordinances, and is interested in entering into an Agreement with Baird, effective for a term of three (3) years to terminate December 31, 2026 in an amount not to exceed one hundred thousand dollars (\$100,000).

**NOW THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes a 3-year Agreement between the City of Pontiac and Robert Baird & Co., Inc., for specialized municipal financial services; and

**FURTHER RESOLVED** that the Mayor is authorized to execute the Agreement in a final form to be negotiated and approved by the City Attorney.

ADOPTED: YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The foregoing Resolution was declared and adopted on the date.

**CITY OF PONTIAC**

\_\_\_\_\_  
By: Garland Doyle  
Its: Clerk

STATE OF MICHIGAN     )  
                                  )ss.  
COUNTY OF OAKLAND    )

I, the undersigned, the duly qualified Clerk of City of Pontiac, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the proceedings taken by the City Council at a regular meeting held on \_\_\_\_ day of \_\_\_\_\_, 2023.

IN WITNESS THEREOF, I have hereunto affixed my official signature this \_\_\_\_ day of \_\_\_\_\_, 2023

**CITY OF PONTIAC**

\_\_\_\_\_  
By: Garland Doyle  
Its: Clerk

**#14**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

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

**FROM:** Alicia Martin, Purchasing Manager  
Paula Bridgers, Communications Director

**DATE:** November 8, 2023, for the November 14, 2023, Session

**RE:** The Purchasing Manager requests that the Pontiac City Council approve the Purchasing Manager to award the bid to and execute an agreement with The Original Print Shoppe to design, print, and manage the mail for the Pontiac Community Newsletter.

The Request for Quote for Design, Print, and Mail services was posted on BidNet and the City Purchasing Division's (the "division") web page on September 11, 2023. The initial deadline for bidders to respond to the solicitation was October 6, 2023.

The responses submitted did not allow purchasing to compare items and pricing; therefore, the division processed a Request Cost Proposal Clarity on October 25, 2023, with a deadline of October 30, 2023. The division completed a bid tabulation, verified references, and checked the State of Michigan's Licensing and Regulatory Affairs (LARA). A total of 20 suppliers had access to view or download the solicitation documentation, and a total of three (3) suppliers submitted a response:

- The Original Print Shoppe – Pontiac, MI
- Advanced Marketing Partners, Inc. – Canton, MI
- Hour Custom Publishing – Troy, MI

After evaluating all the suppliers' costs and qualifications, the division recommends awarding the bid to and executing an agreement with:

- The Original Print Shoppe – can service the City and proposed the most affordable rates, being the lowest responsible bidder.

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.

WHEREAS, The purchasing manager has ensured that the purchase follows the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 about major purchases; and

WHEREAS, It is imperative that the bid is awarded and an agreement executed to meet the needs of the Communication Department's Design, Print, and Mail Services for the City and

NOW, THEREFORE  
BE IT RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to award the bid and execute an agreement with the Original Print Shoppe.

AM

# COMMUNICATIONS NEWSLETTER No. 24-227-001

City of Pontiac			
Bid Tabulation			
	<u>ADVANCED</u>	<u>HOURLY</u>	<u>ORIGINAL PRINT SHOPPE</u>
PAPER: 70# GLOSS - PER PAGE	0.041	0.14	0.0193
PAPER: 70# MATTE - PER PAGE	0.041	0.14	0.0185
INK: FULL COLOR OR TRADITIONAL OFFSET	TRADITIONAL OFFSET	0.0136 PER PAGE	FULL COLOR DIGITAL
PRINTING (PER COPY)	INCLUDED IN PRICE	0.87	
BINDING: FOLD, SADDLE STICH	INCLUDED IN PRICE	0.069	INCLUDED IN PRICE
FULL BLEED TRIM	INCLUDED IN PRICE	0.0109	INCLUDED IN PRICE
PRE-PRESS PROOF (PER PAGE)		\$50.00	
EDITORIAL SERVICES (HOURLY RATE)		\$150.00	
PHOTOGRAPHY (PER DAY)		\$1,500.00	
COST FOR INITIAL DESIGN (HOURLY RATE)	\$100.00	\$150.00	\$65.00 (\$400.00 MINIMUM)
COST FOR DESIGNS THEREAFTER (HOURLY RATE)	\$70.00	\$150.00	\$65.00
NUMBER OF EDITS	3	2	10
ADDITIONAL COST FOR CHANGES THAT EXCEED NUMBER ALLOWED	\$75.00 PER HOUR	\$150 PER HOUR	\$65.00 PER HOUR
MAIL HANDLING COST (delivery to post office)	INCLUDED IN PRICE	0.027 EACH	.045 EACH
EDDM (EVERY DOOR DIRECT MAILING)	0.209 EACH	0.197 EACH	.197 EACH
ADVERAGE COST PER 27,000 ISSUES	\$19,390.00	\$37,230.00	\$13,559.89