

AN ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Sections 138-363, 138-382, 138-387, 138-457, 138-472, 138-487 and Add New Section to Chapter 138 Zoning, to Establish Zoning Requirements for Marihuana Businesses.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-363 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-363. – Principal uses permitted.

Principal uses permitted in the industrial district are as follows:

- (1) Any of the following uses conducted wholly within a completely enclosed building or within a designated area enclosed on all sides with 6-foot obscuring masonry wall not less than 8 inches thick:

a.-1. *No change.*

m. Class A Marihuana Grower, Class B Marihuana Grower, Marihuana Safety Compliance facilities, Marihuana Processor and Marihuana Secure Transporter.

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SECTION 2: Section 138-382 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-382. – Principal uses permitted.

No land, building or premises within the office district shall be used for other than the following specified purposes:

(1)-(9) *No change.*

(10) Marihuana Safety Compliance facilities.

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SECTION 3: Section 138-387 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-387. – Principal uses permitted.

Principal uses permitted in the LB district are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers, Marihuana Microbusinesses, and Medical Marihuana Provisioning Centers.

SECTION 4: Section 138-457 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-457. – Principal uses permitted.

Principal uses permitted in the twelve mile district are as follows:

(1)-(15) *No change.*

(16) Marihuana Retailers, Marihuana Microbusinesses, and Medical Marihuana Provisioning Centers.

SECTION 5: Section 138-472 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-472. – Principal uses permitted.

Principal uses permitted in the Woodward district are as follows:

(1)-(4) *No change.*

(5) Marihuana Retailers, Marihuana Microbusinesses, and Medical Marihuana Provisioning Centers.

SECTION 6: Section 138-487 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-487. – Principal uses permitted.

Principal uses permitted in the eleven mile district are as follows:

(1)-(21) *No change.*

(22) Class A Marihuana Grower, Class B Marihuana Grower, Marihuana Safety Compliance facilities, Marihuana Processor, Marihuana Secure Transporter, and Medical Marihuana Provisioning centers.

SECTION 7: New _____ shall be added to Chapter ____ of the Berkley Code of Ordinances, as follows:

(a) A Marihuana Retailer must front on a major thoroughfare with the primary ingress/egress onto a major thoroughfare.

(b) The Marihuana Business have all applicable state and local licenses and approvals to operate.

(c) The property where the Marihuana Business will be located must be entirely within the boundaries of the City of Berkley, and must be within one thousand feet (1,000') of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

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(d) Notwithstanding any other provision in the zoning ordinance, a Marihuana Business must operate within a fully enclosed building.

SECTION 8: Severability Clause

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

SECTION 9: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 10: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Dan Terbrack
Mayor

Attest:

Annette Boucher
City Clerk