

TRAVERSE CITY CODE OF ORDINANCES

ORDINANCE AMENDMENT NO. 1084

Effective date: 12-13-18

TITLE: Medical Marihuana Facilities Amendment for Community Center (c-3), Regional Center (C-4), Hospital (H) and Industrial (I); Medical Marihuana Facilities amendment for Community Center (C-3), Hospital (H) and Industrial (I), Medical Development (D-1, D-2, D-3), Hotel-Resort (HR), Hospital (H-1, H-2) and Industrial (I) Districts.

THE CITY OF TRAVERSE CITY ORDAINS:

That the *Definitions*, Section 1320.07; *Uses Allowed*, Section 1338.01 in the Hotel Resort Chapter; *Uses Allowed*, Section 1342.01 in the Neighborhood Center Chapter; *Uses Allowed*, Section 1346.01 in the Regional Center Chapter; *Uses Allowed*, Section 1347.01 in the Development Districts Chapter, *Uses Allowed*, Section 1354.01 Industrial Chapter and the *Uses Allowed*, Section 1358.01 in the Hospital Chapter of the Zoning Code of the Traverse City Code of Ordinances, be amended to read in its entirety as follows:

1320.07 - Definitions.

As used in this chapter:

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

Accessory building means a building or structure customarily incidental and subordinate to the principal building and located on the same lot as and spatially separated from the principal building.

Accessory dwelling unit means a smaller, secondary home on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation. There are 2 types of accessory dwelling units:

- (1) Accessory dwelling in an accessory building (examples include converted garages or new construction).
- (2) Accessory dwelling that is attached or part of the principal dwelling (examples include converted living space, attached garages, basements or attics; additions; or a combination thereof).

Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult foster care family home means a private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home state licensee shall be a member of the household and an occupant of the residence.

Adult foster care small group home means a state licensed adult foster care facility with the approved capacity for not more than 12 adult residents to be provided foster care.

Affordable housing means housing units for eligible low-income households where the occupant is paying no more than 30 percent of gross income for housing costs.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel and retail uses commonly occurring at such locations.

Alley means a way which functions primarily as a service corridor and provides access to properties abutting thereon. "Alley" does not mean "street."

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 1-1). A cellar is a basement.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

Brew pub means a facility as defined such by the State of Michigan.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of. See "height of building."

Building, principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or household pets.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Communication antenna means a device, dish or array used to transmit or receive telecommunications signals mounted on a communication tower, building or structure that is greater than 1 square meter in a residential district or 2 square meters in a non-residential district. Antenna does not include federally-licensed amateur radio station, television or radio receive-only antennas or antennas used solely for personal use. Communication antennas are not "essential services," public utilities or private utilities.

Communication tower or tower means any structure that is primarily designed and constructed for the purpose of supporting 1 or more antennas for telecommunications, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. Communication towers are not "essential services," public utilities or private utilities.

Community garden means a parcel gardened collectively by a group of people.

Convenience store means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Country club. See "golf course."

Crematories means a building or structure, or room or space in a building or structure, for the cremation of deceased persons or deceased household pets.

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree 1 foot for each 1 inch of diameter at breast height. The critical root zone shall also extend to a depth of 4 feet below the natural surface ground level.

Cultural facilities means facilities for activities for the preservation and enhancement for the cultural well-being of the community.

Development means all structures and other modifications of the natural landscape above and below ground or water on a particular site.

Diameter at breast height means the diameter of a tree trunk in inches measured by diameter at 4.5 feet above the ground.

District means a section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, setbacks and the intensity of use are uniform.

Drive-in means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-through means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods intended to be consumed off-premises.

Dripline means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway means a means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Driveway, service means a point of access solely for the use of vehicles designed to load and unload trash receptacles 3 cubic yards or more in size.

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing 1 or more dwelling units.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing 3 or more dwelling units and designed for or occupied as the home of 3 or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing 1 dwelling unit and designed for or occupied by only 1 family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by 2 families living independently of each other.

Dwelling unit means 1 or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by 1 family for living, cooking and sleeping purposes. The existence of a food preparation area (such as a sink and appliances to heat and refrigerate food) within a room or rooms shall be evidence of the existence of a dwelling unit.

Eligible household means a household meeting the income criteria included in Chapter 1376, with income determined in a manner consistent with determinations of lower-income households and area median income under Section 8 of the U.S. Housing Act of 1937, as amended (Section 8 Housing Program).

Eligible housing nonprofit means a 501(c)3 nonprofit housing organization with the means and capacity to guarantee and enforce long-term affordability of affordable housing units meeting the requirements of Chapter 1376.

Emergency shelter means a facility operated by a governmental or nonprofit agency where supportive services and shelter are offered to homeless persons.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface or overhead telephone, electrical, gas, steam, fuel, or water distribution systems, collections, supply or disposal systems, streets, alleys,

sidewalks, or trails, including pavement, traffic control devices, signs, poles, wires, mains, drains, sewers, pipes, conduits, cables, padmount transformers, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or governmental agencies for the general public health, safety, convenience or welfare. "Essential services" do not include communication antennas and communication towers.

Essential service-structures. The erection, construction, alteration or maintenance by public utilities or governmental agencies of structures not in the right-of-way over 800 cubic feet in area including, but not limited to, towers, transmission and subtransmission facilities, or buildings related to essential services in all districts.

Facade means the exterior wall of a building exposed to public view.

Family means 1 or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.

Flood plain, 100-year. "100-year flood plain" means the lowland areas adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a 1 percent chance of flooding in a given year.

Floor area . See "a gross floor area."

Frontage means the total continuous width of the front lot line.

Golf course/country club means any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges and miniature golf courses as a principal use.

Grade means:

- (1) *For buildings having walls adjoining 1 street only* : the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.
- (2) *For buildings having walls adjoining more than 1 street* : the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
- (3) *For buildings having no wall adjoining the street* : the average of the lowest and highest ground surface elevations in an area within 6 feet of the foundation line of a building or structure. Any building or structure wall within 35 feet of a public or private street shall be considered as adjoining the street. (See Figure 1-2.)

Greenbelt means a strip of land of definite width and location upon which existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen or buffer strip in carrying out the requirements of this Code.

Grocery store means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but excluding any space where the floor-to-ceiling height is less than 6 feet.

Height of building means the vertical distance from the grade to the highest point on a mansard or flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs. (See Figure 1-3).

Home occupation means an accessory use of a dwelling unit for business purposes.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

Impervious surface ratio means the area of impervious surface less those areas used exclusively for pedestrian circulation or outdoor recreational facilities divided by the gross site area.

Kennel means any lot or premises used for the sale, boarding, or breeding of dogs, cats or other household pets or the keeping of 5 or more dogs or cats in any combination over the age of 6 months.

Land clearing means:

- (1) The clearing of over 8,000 square feet of vegetation from any site, or
- (2) The removal of more than 20 trees more than 6 inches in diameter at breast height within 50 feet of a public or private street or river.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Landing area means a landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to, power-driven winged or delta-winged aircraft, gliders, balloons and helicopters.

Landscaping means some combination of planted trees, vines, ground cover, flowers or turf so long as a minimum of 80 percent of the landscape area is covered by living plant material. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art works, screens, walls, fences and benches.

Laundromat means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Lodging facility means a commercial establishment with 1 or more buildings whose primary use is to provide temporary overnight accommodations within individual guest rooms or suites to the general public for compensation. Accessory uses may include eating places, meeting rooms and other similar uses.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including 1 principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot includes the words "plot," "tract" or "parcel."

Lot, corner. "Corner lot" means a lot which has at least 2 contiguous sides abutting on and at the intersection of 2 or more streets.

Lot of record means a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, through. "Through lot" means an interior lot having frontage on 2 more or less parallel streets.

Lot width means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Market, municipal. "Municipal market" means a publicly owned and operated building or space where vendors offer a wide range of different products from open stalls.

Marina means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

Medical marihuana means marihuana as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq. grown, used, or transferred for "medical use" as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical marihuana collective means a use where Medical Marihuana is transferred, pursuant to the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical marihuana cultivation means a use where Medical Marihuana is grown as permitted by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Medical marihuana facility means a location at which a person is licensed to operate under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City and operates as a Medical Marihuana Grower, Medical Marihuana Processor, Medical Marihuana Secure Transporter, Medical Marihuana Provisioning Center, or a Medical Marihuana Safety Compliance Facility.

Medical marihuana cultivation facility grower means a use where a person holding a state operating license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City cultivates, dries, trims, or cures and packages medical marihuana for sale to a processor or provisioning center more than 72 plants are being cultivated on a parcel.

Medical marihuana provisioning center means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a

Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City purchases medical marihuana from a Medical Marihuana Grower or Medical Marihuana Processor and commercially sells, supplies, or provides medical marihuana to registered qualifying patients as defined in the Michigan Medical Marihuana Act, MCL 333.26241 et seq, directly or through the registered qualifying patients' registered primary caregiver. Medical Marihuana Provisioning Center includes any property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A residential location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Medical Marihuana Act, MCL 333.26241 et seq, is not a Medical Marihuana Provisioning Center.

Medical marihuana processor means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City purchases medical marihuana from a Medical Marihuana Grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Medical Marihuana Provisioning Center.

Medical marihuana safety compliance facility means a use where a person holding a state operating license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City takes medical marihuana from a marihuana facility or receives medical marihuana from a registered primary caregiver, tests the medical marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the medical marihuana to the marihuana facility.

Medical marihuana secure transporter means a use where a person holding a state license under the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq, and a Marihuana Facility license under Chapter 845 of the Codified Ordinances of the City of Traverse City stores medical marihuana and transports medical marihuana between Medical Marihuana Facilities for a fee.

Microbrewery means a facility as defined as such by the State of Michigan.

Non-conforming use means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nursing home. See "residential care and treatment facility."

Open space, common. "Common open space" means land within or related to a development, not individually owned that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Operator of medical marihuana collective means any person who is employed by or otherwise involved in the operation of a Medical Marihuana Collective.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is

so common or recurrent that the character of the land is marked distinctly from the upland and is identified along Grand Traverse Bay and the lower Boardman River as elevation 581.04 feet USGS.

Owner means any person having an ownership interest in a premises as shown on the latest Traverse City tax records.

Parcel . See a "lot."

Parking area means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas of public streets.

Parking area, commercial. "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Parking area, off-street. "Off-street parking area" means a land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

Parking area, private. "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking area, public. "Public parking area" means a publicly owned or controlled parking area available to the public, with or without payment of a fee.

Parking space means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Parking structure means a building or structure consisting of more than 1 level and used to store motor vehicles.

Pavement. "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the Planning Director.

Pedestrian scale means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Place of worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Planning director means the head of the City Planning and Zoning Department or the designee of that person.

Plat means a map of a subdivision of and recorded with the Register of Deeds pursuant to state statute

Primary caregiver means a primary caregiver with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Qualifying patient means a qualifying patient with a registry identification card as defined by the Michigan Medical Marihuana Act., MCL 333.26421 et seq.

R-District means a residence district, namely an RC, R-1a, R-1b, R-2, R-9, R-15, and R-29 district.

Recreational facilities means buildings, or grounds, excluding amusement parks, where a variety of sport or exercise activities are offered.

Recreational vehicle means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Residential care and treatment facility means a facility providing:

- (1) Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
- (2) Temporary emergency shelter and services for battered individuals and their children in a residential structure.

Restaurant, family means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than 1 hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open 24 hours a day. It may include cafeteria-style facilities.

Restaurant, fast food means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically 1 hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

Right-of-way means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

Rooming house means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include lodging facilities, apartment houses, 2 and multi-family dwellings or fraternity and sorority houses.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.

Setback means the distance required between a lot line and a building wall.

Setback, front. A front setback means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. A rear setback means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, side. A side setback means the minimum required distance, extending from the front setback to the rear setback, between the principal and accessory building and the side lot line.

Site diagram means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities. See Appendix 1, Figure 1-4.

Site plan means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Stop work order means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

Street means any public way, such as a public street, avenue or boulevard, at least 16 feet wide. Street does not mean "alley." See also "Private street."

Street, access. "Access street" means a street or alley designed primarily to provide access to properties.

Street, arterial. "Arterial street" means a street designed to carry high traffic volumes through the community.

Street, collector. "Collector street" means a street designed to carry moderately high traffic volumes from arterial and access streets.

Street, private. "Private street" means an officially approved thoroughfare, other than a public street or alley, permanently reserved as the principal means of access to abutting property.

Structural alterations means any change in a building requiring a building permit.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts and pergolas.

Tourist home means a single-family dwelling owned and occupied by a person renting out not more than 3 rooms for compensation to persons who do not stay for more than 7 consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit shares a common wall with at least 1 other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

Trailer means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

Transit center means a fixed location where passengers interchange from 1 route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

Transitional housing means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

Treelawn means the area of public right-of-way lying between the curb line of a curbed street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Vacation home rental means a commercial use of a dwelling where the dwelling is rented or sold for any term less than 30 consecutive days.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

Yard, front. "Front yard" means all land extending across the width of a property and lying between the building line and the front lot line.

Yard, rear. "Rear yard" means all land extending across the width of the property and lying between the building and the rear lot line.

Yard, side. "Side yard" means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Part 13, Title One of the Code of Ordinances of the City of Traverse City and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

The following uses of land and buildings, together with accessory uses, are allowed in the Hotel Resort District:

- R-29 District uses;
- Child care organizations, as defined by MCL 722.111 et seq., as amended;
- Lodging facilities;
- Medical Marihuana Provisioning Center meeting the following requirements:
 - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
 - (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Except for Medical Marihuana Processors as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
 - (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the Medical Marihuana Provisioning Center when Medical Marihuana is being transferred.
 - (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility.
 - (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act.
 - (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
 - (8) A Medical Marihuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
 - (9) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.
 - (10) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
 - (11) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.
 - (12) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Offices, and retail shops provided the total floor area of the business or business within a building does not exceed 6,000 square feet in gross floor area on 1 level;
- Restaurants, family or fine, banquet or meeting rooms, but not drive-ins or drive-throughs and not exceeding 6,000 square feet in gross floor area.
- Drinking places without entertainment, up to 6,000 square feet gross floor area;
- Drinking places with entertainment if not adjacent to, abutting or across an alley from a residential district.
- Vacation home rentals maintaining a City Vacation Home Rental license.
- Veterinary services, without outdoor runs.
- Recreational facilities.

1346.01 - Uses allowed. (C-2)

The following uses of land and buildings, together with accessory uses, are allowed in these districts:

- GP district uses;
- C-3 district uses, except the following: drive-ins, drive-throughs, sexually-oriented businesses, vehicle wash facilities, veterinary services and kennels;
- Boat liveryes;
- Convention centers;
- Drinking places with or without entertainment;
- Markets, public or municipal;
- Medical Marihuana Provisioning Center meeting the following requirements:
 - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
 - (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Except for Medical Marihuana Processors as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
 - (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary

caregiver shall be not permitted within the Medical Marihuana Provisioning Center when Medical Marihuana is being transferred.

- (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility.
 - (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act.
 - (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
 - (8) A Medical Marihuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
 - (9) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.
 - (10) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
 - (11) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.
 - (12) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.
- Parking areas, private, for dwelling units (limited to 1 per dwelling unit); subject to Chapter 1374.
 - Parking areas, private, interior, subject to the following standards:
 - (1) Parking area is accessed from the alley,
 - (2) Parking area is fully enclosed within a building,
 - (3) Parking surface is on average, at least 4 feet below the street elevation or is fronted with habitable space.
 - Parking areas, private, subject to the following standards:
 - (1) Access shall be limited to 1 driveway per public street or 2 driveways per site, whichever is less.
 - (2) The parking is accessory to an allowed use.
 - (3) There can be demonstrated a need for private parking which will not be satisfied by existing public parking within 500 feet of the proposed use, except for private parking areas for dwelling units or interior private parking areas;
 - (4) All requirements of Chapter 1374, circulation and parking, are met, except Section 1374.03(d), parking space requirements.

- (5) All requirements of Sections 1372.04, screening requirements for parking areas, and 1372.05, landscape development internal to a parking area are met.
- (6) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
- Parking areas, public, subject to the following standards:
 - (1) Access shall be limited to 1 driveway per public street or 2 driveways per site, whichever is less.
 - (2) All parking areas which abut a public street shall be set back a minimum distance of 8 feet from the property line along said street and shall provide in this setback area appropriate screening with plant materials or a combination of plant materials, berming and decorative screenwalls to a minimum height of 3 feet.
 - (3) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
 - (4) Unless herein varied, the landscaping and site development chapter shall apply.
- Parking structures, public or private, subject to the following standards:
 - (1) Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. Ramping shall be concealed from public view to the greatest degree possible.
 - (2) Openings shall not exceed 60 percent of the total wall surface. Openings shall be vertical or square.
 - (3) Sloped roofs are not required for parking decks, however:
 - a. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
 - b. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs and other devices which are consistent with the language of historical buildings may be employed.
 - (4) The design of parking decks shall be consistent with the design of historical buildings in the area.
- Theaters, live and performance art centers.

1346.01 - Uses allowed. (C-4)

The following uses of land and buildings, together with accessory uses, are allowed in these districts:

- GP district uses;

- C-3 district uses, except the following: drive-ins, drive-throughs, Medical Marihuana Provisioning Centers, sexually-oriented businesses, vehicle wash facilities, veterinary services and kennels;
- Boat liveries;
- Convention centers;
- Drinking places with or without entertainment;
- Markets, public or municipal;
- Parking areas, private, for dwelling units (limited to 1 per dwelling unit); subject to Chapter 1374.
- Parking areas, private, interior, subject to the following standards:
 - (1) Parking area is accessed from the alley,
 - (2) Parking area is fully enclosed within a building,
 - (3) Parking surface is on average, at least 4 feet below the street elevation or is fronted with habitable space.
- Parking areas, private, subject to the following standards:
 - (1) Access shall be limited to 1 driveway per public street or 2 driveways per site, whichever is less.
 - (2) The parking is accessory to an allowed use.
 - (3) There can be demonstrated a need for private parking which will not be satisfied by existing public parking within 500 feet of the proposed use, except for private parking areas for dwelling units or interior private parking areas;
 - (4) All requirements of Chapter 1374, circulation and parking, are met, except Section 1374.03(d), parking space requirements.
 - (5) All requirements of Sections 1372.04, screening requirements for parking areas, and 1372.05, landscape development internal to a parking area are met.
 - (6) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
- Parking areas, public, subject to the following standards:
 - (1) Access shall be limited to 1 driveway per public street or 2 driveways per site, whichever is less.
 - (2) All parking areas which abut a public street shall be set back a minimum distance of 8 feet from the property line along said street and shall provide in this setback area appropriate screening with plant materials or a combination of plant materials, berming and decorative screenwalls to a minimum height of 3 feet.
 - (3) Pedestrian travel routes within the parking area shall be provided, clearly defined and approved by the Planning Director.
 - (4) Unless herein varied, the landscaping and site development chapter shall apply.

- Parking structures, public or private, subject to the following standards:
 - (1) Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. Ramping shall be concealed from public view to the greatest degree possible.
 - (2) Openings shall not exceed 60 percent of the total wall surface. Openings shall be vertical or square.
 - (3) Sloped roofs are not required for parking decks, however:
 - a. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
 - b. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs and other devices which are consistent with the language of historical buildings may be employed.
 - (4) The design of parking decks shall be consistent with the design of historical buildings in the area.
- Theaters, live and performance art centers.

1347.01 - Uses allowed. (D)

No use shall be open to the public between the hours of 2:00 a.m. and 6:00 a.m.

The following uses of land and buildings, together with accessory uses, are allowed:

Ironworks (D-1), Depot (D-2) and Red Mill (D-3) areas:

- C-2 uses without drive-throughs;
- Banquet halls or conference rooms;
- Communication establishments;
- Contractors' offices with no outside storage;
- Lodging facilities;
- Markets, public or municipal;
- Manufacturing or processing, no larger than 10,000 square feet, of:
 - (1) Apparel and other finished products made from fabrics and similar materials;
 - (2) Bakery products;
 - (3) Beverages;
 - (4) Canned, frozen and preserved fruits, vegetable and food specialties;
 - (5) Dairy products;
 - (6) Food preparations and kindred products—miscellaneous;

- (7) Furniture and fixtures;
 - (8) Leather and leather products (finished), except leather tanning and finishing;
 - (9) Measuring, analyzing and controlling instruments, photographic, medical and optical goods, matches and clocks;
- Medical Marihuana Provisioning Center meeting the following requirements:
 - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
 - (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Except for Medical Marihuana Processors as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
 - (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the Medical Marihuana Provisioning Center when Medical Marihuana is being transferred.
 - (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility.
 - (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act.
 - (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
 - (8) A Medical Marihuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
 - (9) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.
 - (10) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
 - (11) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.
 - (12) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Parking structures, public or private, subject to the following standards:
 - (1) Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. Ramping shall be concealed from public view to the greatest degree possible.
 - (2) Openings shall not exceed 60 percent of the total wall surface. Openings shall be vertical or square.
 - (3) Sloped roofs are not required for parking decks, however:
 - a. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
 - b. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs and other devices which are consistent with the language of historical buildings may be employed.
 - (4) The design of parking decks shall be consistent with the design of historical buildings in the area.
- Stores, retail, no larger than 8,000 square feet per floor per single retailer;
- Theaters, except outdoor theaters.

1354.01 - Uses allowed. (I)

The following uses of land and buildings together with accessory uses are allowed in the Industrial District:

- GP District uses;
- C-2 District uses meeting the setbacks (§1342.02), building height (§1342.06) and special requirements (§1342.09) of the C-2 District and shall not open to the public between the hours of 10:00 p.m. and 6:00 a.m.
- C-2 District uses in the Airport Industrial Park and Traversefield Enterprise Place is limited to existing buildings more than 5 years old, based upon the date of the initial certificate of occupancy issued. Minor additions are allowed provided the addition is for barrier free access, fire safety or to improve the energy efficiency of the building;
- Auto repair;
- Communications establishments;
- Construction, special trades;
- Contractors;
- Contractors, heavy construction;
- Crematories provided the use is at least 500 feet from a Residential Zoning District, public park or school as defined by the Zoning Code;

- Cutting plastics, leather, etc;
- Equipment rental and leasing, miscellaneous;
- Fuel dealers;
- Funeral services;
- Gas systems;
- Kennels for boarding provided that no building, open kennel or exercise runway shall be located closer than 200 feet from any R District;
- Lumber yards—Retail;
- Manufacturing or processing of:
 - (1) Apparel and other finished products made from fabrics and similar materials;
 - (2) Bakery products;
 - (3) Beverages;
 - (4) Canned, frozen and preserved fruits, vegetable and food specialties;
 - (5) Dairy products;
 - (6) Electronic and other electrical equipment and components;
 - (7) Fabricated metal products, except machinery and transportation equipment and except ordnance and accessories;
 - (8) Food preparations and kindred products—miscellaneous;
 - (9) Furniture and fixtures;
 - (10) Grain mill products;
 - (11) Industrial and commercial machinery and computer equipment;
 - (12) Leather and leather products (finished), except leather tanning and finishing;
 - (13) Lumber and wood products, except furniture, wood preserving and reconstituted wood products;
 - (14) Manufacturing industries—miscellaneous;
 - (15) Measuring, analyzing and controlling instruments, photographic, medical and optical goods, matches and clocks;
 - (16) Printing, publishing and allied industries;
 - (17) Stone, clay, glass and concrete products, except asbestos products;
 - (18) Sugar and confectionery products;
- Medical marihuana cultivation facility meeting the following requirements:
 - (1) Medical marihuana cultivation shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

- (2) All medical marihuana plants cultivated by each primary caregiver or qualifying patient shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or the qualifying patient.
 - (3) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way.
 - (4) A Medical marihuana cultivation facility shall not be located within a 1,000-foot radius from any existing school.
 - (5) A Medical marihuana cultivation facility shall register for a business license with the City Clerk and if the applicant is not the owner of the parcel, such license application shall include the property owners' consent to the use of the parcel as a medical marihuana cultivation facility.
 - (6) No transfer of medical marihuana shall occur except marihuana plants pursuant to the Michigan Medical Marihuana Act.
- Medical marihuana grower meeting the following requirements:
 - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Facilities Licensing Act, rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, and Chapter 845 of the Codified Ordinances of the City of Traverse City as they may be amended from time to time.
 - (2) All medical marihuana plants cultivated shall be contained within a fully enclosed locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility.
 - (3) Cultivation shall be conducted so as not to create dust, glare, noise, or light spillage beyond the parcel and shall not be visible from an adjoining public way. Lighting shall not be visible outside of the building from sunset to sunrise.
 - (4) The smell of marihuana shall not be detectable beyond the parcel.
 - (5) A Medical Marihuana Grower shall not be located within a 1,000-foot radius from any existing school.
 - (6) The Medical Marihuana Grower shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
 - (7) Except for a Medical Marihuana Processor use as set forth in this section, no other medical marihuana facilities use shall occur on the parcel.
 - (8) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.
 - Medical Marihuana Processor meeting the following requirements:
 - (1) The facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant

to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;

- (2) A partition wall shall separate the Medical Marihuana Processor space from the Medical Marihuana Grower space that must include a door, capable of being closed and locked between the Medical Marihuana Grower and Medical Marihuana Processor spaces.
 - (3) Except for Medical Marihuana Growers as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
 - (4) Except for regulatory authorities, no persons other than the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the facility, shall be permitted within the Medical Marihuana Processor portion of the facility when Medical Marijuana is being processed.
 - (5) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.
 - (6) A Medical Marihuana Processor shall not be located within a 1,000-foot radius from any existing school
 - (7) An owner or operator of a Medical Marihuana Processor shall not have been convicted of a felony involving controlled substances within the last 10 years.
 - (8) The Medical Marihuana Processor shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
 - (9) All activities of a Medical Marihuana Processor shall be conducted within the building and out of public view.
 - (10) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.
- Medical Marihuana Provisioning Center meeting the following requirements:
 - (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
 - (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Except for Medical Marihuana Processors as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.

- (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the Medical Marihuana Provisioning Center when Medical Marihuana is being transferred.
- (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility.
- (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act.
- (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
- (8) A Medical Marihuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
- (9) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.
- (10) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
- (11) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.
- (12) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Medical Marihuana Safety Compliance Facility meeting the following requirements:

- (1) The facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
- (2) Except for regulatory authorities, no persons other than the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the facility, shall be permitted within the Medical Marihuana Safety Compliance Facility when Medical Marijuana is being processed.
- (3) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.

(4) A Medical Marihuana Safety Compliance Facility shall not be located within a 1,000-foot radius from any existing school

(5) An owner or operator of a Medical Marihuana Safety Compliance Facility shall not have been convicted of a felony involving controlled substances within the last 10 years.

(6) The Medical Marihuana Safety Compliance Facility shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

(7) All activities of a Medical Marihuana Safety Compliance Facility shall be conducted within the building and out of public view.

(8) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Medical Marihuana Secure Transporter meeting the following requirements:

- (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time.

- (2) No other medical marihuana facilities use shall occur on the parcel.

- (3) No use or consumption of marihuana shall be allowed at the facility.

- (4) A medical marihuana secure transporter shall not be located within a 1,000-foot radius from any existing school. This provision shall not apply while engaged in the operation of transporting as authorized by the Michigan Medical Facilities Licensing Act.

- (5) An owner or operator of a medical marihuana secure transporter shall not have been convicted of a felony involving controlled substances within the last 10 years.

- (6) The medical marihuana secure transporter shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

- Metal slitting and shearing;
- Motor freight transportation and warehousing;
- Nurseries, retail;
- Offices, general, up to 5,000 square feet gross floor area on any site and/or building;
- Offices primarily serving industry in the district which clearly establish support services for permitted industries in the district;
- Parcel packing services;

- Pet boarding or pet grooming services, provided that no building, open kennel or exercise runway is closer than 200 feet from an R-District;
- Places of Worship;
- Postal and delivery services;
- Pressure container filling;
- Primary metal industries, including smelting, forging and similar operations, subject to the following conditions:
 - (1) The maximum lot size is 14 acres.
 - (2) No odors, smoke or noise from the use are likely to create a disturbance on neighboring public or private property.
- Retail outlets, if accessory to manufacturing use;
- Salvaging damaged merchandise not engaged in sales;
- Scrap steel cutting;
- Sign painting and lettering shops;
- Solvents recovery services;
- Tape slitting for trade;
- Testing and laboratory services;
- Veterinary services for animal specialties provided that no building, open kennel or exercise runway shall be no closer than 200 feet from any R district;
- Vocational schools;
- Warehousing;
- Weighing foods and other commodities;
- Wholesale trade - durable goods;
- Wholesale trade - non-durable goods except livestock and wholesale live animals.

1358.01 - Uses allowed. (H)

- (a) *Master site facilities plan.* When applying for a land use permit for H-2 District properties, the applicant shall present a Master Site and Facilities Plan for the current uses on all contiguous property owned by applicant and all anticipated uses within a minimum of the next 5 years. This plan shall show adjacent properties sufficiently to identify surrounding uses and potential impacts on them by the applicant's plan and shall conform to the requirements of Traverse City Code Section 1366.08.
- (b) *H-1 District.* The following uses of land and buildings, together with accessory uses, are allowed in the H-1 Hospital District:

- Community Gardens;
- Dormitories;
- Dwellings, multiple family, up to 29 dwelling units per acre;
- Group day care homes;
- Florists;
- Health services, including clinics of doctors and dentists;
- Hospitality houses;
- Medical marihuana collective meeting the following requirements:
 - (1) Use and transfer of medical marihuana shall comply at all times with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
 - (2) Transfer of medical marihuana shall be only allowed to a qualifying patient directly in person by his or her registered primary caregiver or by another qualifying patient as allowed by the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 - (3) The collective shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
 - (4) No medical marihuana cultivation shall occur on the parcel.
 - (5) Except for parents or guardians of a qualifying patient and the owner or staff of the facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the collective when medical marihuana is being transferred or used.
 - (6) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
 - (7) A medical marihuana collective shall not be located within a 1,000-foot radius from any existing school.
 - (8) A medical marihuana collective shall not be located within 1,000 feet from another existing collective.
 - (9) An owner or operator of a medical marihuana collective shall not have been convicted of a felony involving controlled substances.
 - (10) The name and address of all persons with an ownership interest in the medical marihuana collective and all operators of the medical marihuana collective shall be provided to the Zoning Administrator at least 10 business days prior to opening the medical marihuana collective and least 10 business days prior to when a new person owns or operates the medical marihuana collective.
- Medical Marihuana Provisioning Center meeting the following requirements:

- (1) The medical marihuana facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;
- (2) The Medical Marihuana Provisioning Center shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
- (3) Except for Medical Marihuana Processors as set forth in this Section, no other medical marihuana facilities use shall occur on the parcel.
- (4) Except for parents or guardians of a qualifying patient and the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the medical marihuana facility, persons other than a qualifying patient or primary caregiver shall be not permitted within the Medical Marihuana Provisioning Center when Medical Marihuana is being transferred.
- (5) No use or consumption of marihuana shall be allowed at the medical marihuana facility.
- (6) The medical marihuana facility shall not be used by a physician to conduct a medical examination or issue a medical certification document for the purpose of obtaining a qualifying patient registry identification card under the Michigan Medical Marihuana Act.
- (7) A qualifying patient under the age of 18 shall be accompanied by a parent or guardian and notice of such shall be conspicuously posted.
- (8) A Medical Marihuana Provisioning Center shall not be located within a 1,000-foot radius from any existing school.
- (9) An owner or operator of a Medical Marihuana Provisioning Center shall not have been convicted of a felony involving controlled substances within the last 10 years.
- (10) The Medical Marihuana Provisioning Center shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.
- (11) All activities of a Medical Marihuana Provisioning Center shall be conducted within the building.
- (12) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Medical Marihuana Safety Compliance Facility meeting the following requirements:
 - (1) The facility and use shall comply at all times with the Michigan Medical Marihuana Facilities Licensing Act, Chapter 845 of the Codified Ordinances of the City of Traverse City, and the rules promulgated pursuant to the Michigan

Medical Marihuana Facilities Licensing Act, as they may be amended from time to time;

(2) Except for regulatory authorities, no persons other than the person holding a license under the Michigan Medical Marihuana Facilities Licensing Act and Chapter 845 of the Codified Ordinances of the City of Traverse City or staff of the facility, shall be permitted within the Medical Marihuana Safety Compliance Facility when Medical Marijuana is being processed.

(3) No use or consumption of marihuana shall be allowed at the Medical Marihuana Facility.

(4) A Medical Marihuana Safety Compliance Facility shall not be located within a 1,000-foot radius from any existing school

(5) An owner or operator of a Medical Marihuana Safety Compliance Facility shall not have been convicted of a felony involving controlled substances within the last 10 years.

(6) The Medical Marihuana Safety Compliance Facility shall have at all times a valid and current operating license issued by the State and the City of Traverse City under Chapter 845 of the Codified Ordinances of the City of Traverse City.

(7) All activities of a Medical Marihuana Safety Compliance Facility shall be conducted within the building and out of public view.

(8) The smell of marihuana shall not be detectable outside of the portion of any structure where marihuana is present.

- Residential care and treatment facilities.

The following uses, if they meet the requirements of an accessory use, except that they need not be in the same building or on the same lot:

- Duplicating, mailing, stenographic and office services no larger than 2,000 square feet gross floor area;
- Schools for the handicapped;
- Educational services to the public related to health care;
- Financial institutions with no drive-throughs;
- Gift shops no larger than 2,000 square feet gross floor area;
- Orthopedic stores;
- Pharmacies no larger than 2,000 square feet gross floor area;
- Places of worship;
- Recreational facilities;
- Restaurants, family, fine and fast, under 2,000 square feet in gross floor

- Area without drive-throughs or drive-ins;
 - Social services;
 - Veterinary services, without outdoor runs.
- (C) *H-2 District*. The following uses of land and buildings, together with accessory uses, are allowed in the H-2 District:
- H-1 District uses;
 - Health services;
 - Hospitality houses;
 - Hospitals and medical centers;
 - Medical care facilities;
 - Parking structures, public or private, subject to the following standards:
 - (1) Parking structures shall be designed to have horizontal versus stepped or sloping levels at areas of public view. All ramping shall be concealed from public view.
 - (2) Openings shall not exceed 60 percent of the total wall surface. Openings shall be vertical or square.
 - (3) Sloped roofs are not required for parking structures, however:
 - a. The upper and lowest level of parking shall incorporate sufficient screening to shield cars from public view.
 - b. Parapet treatment is required to terminate the deck and give proper architectural finish to the structure. Cornices, overhangs and other devices which are consistent with the design of historical buildings may be employed.
 - (4) The design of parking decks shall be complementary to the design of historical buildings in the area.
 - Residential care and treatment facilities.

The effective date of this Ordinance is the 13th day of December, 2018.

I hereby certify the above ordinance amendment was introduced on October 15, 2018, and November 5, 2018, at a regular meeting of the City Commission and was enacted on December 3, 2018, at a regular meeting of the City Commission by a vote of

Yes: 5 No: 2 at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

James Carruthers, Mayor

Benjamin C. Marentette, City Clerk

I certify that a notice of adoption of this ordinance amendment was published on December 9, 2018, in the Traverse City Record-Eagle, a daily newspaper of general circulation in Traverse City, Michigan.

Benjamin Marentette, City Clerk