



POLICY EXPLAINING APPEAL RIGHTS FOR DENIED MMCC'S APPLICANTS BASED ON A FINDING THAT THE PROPOSED MMCC IS IN A DRUG FREE ZONE

1. The City of Detroit Buildings, Safety Engineering and Environmental Department (BSEED) is implementing the following policy regarding applicants for Medical Marihuana Caregiver Center (MMCC) whose applications have been denied due to a finding that the proposed location is in a drug-free zone (DFZ) and, therefore, ineligible to be approved for zoning as an MMCC (a "denial").
2. All MMCC applicants that have been or may in the future be denied because of a DFZ finding may submit a Request for an Administrative Review ("Request") to the Director of BSEED, ATTENTION DFZ REVIEW REQUEST, address 2 Woodward Avenue, Suite #401, Detroit, Michigan 48226. The Request will be heard by the Director or designee ("Director").
3. The Request must be in writing and should include the following information:
 - a. The name and address of the proposed MMCC and a copy of the denial letter;
 - b. The sites that made this location a DFZ as determined by the search engine found here:
<http://detroitmi.maps.arcgis.com/apps/InformationLookup/index.html?appid=a8193fac742d408a93de4a7a89ecde81>;
 - c. The applicant's reasoning as to why the City's determination of a DFZ may be inaccurate;
 - d. Any evidence the applicant would like to submit to support this request, including photographs.
4. The Director will consider the Request and issue a recommendation. The recommendation will be based upon the information provided in the Request, City records and inspections if necessary; specifically, whether any active DFZ site(s) (i.e. school, daycare, park etc.) is located within 1,000 feet of the proposed MMCC. In making the recommendation, any DFZ site that has been abandoned or unused for its DFZ purpose for 6 months or more shall be presumed not to be in active use, unless active use is scheduled to resume within 6 months.



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5. If the Director recommends approval of the Request, the applicant will be allowed to proceed in the Conditional Land Use process. The grant of the request shall not be binding with respect to the Conditional Land Use process if, for example, evidence is presented at the conditional land use hearing that there is an active DFZ site within 1,000 feet of the proposed MMCC.
6. If the Director recommends denial of the Request, the applicant may appeal the denial to the Board of Zoning Appeals (BZA) pursuant to Sec. 61-4-72 of the Detroit Zoning Ordinance. If the applicant fails to timely do so the denial will become final.
7. Each applicant that has received a denial letter prior to the Effective Date of this Policy may submit a Request for Administrative Review until May 18, 2016. Applicants receiving a denial after the Effective Date may submit a Request for Administrative Review as set forth herein within 14 days of the date of the denial letter.
8. If an applicant prefers to forgo the Request for Administrative Review, it may appeal directly to the BZA, with appropriate fee, pursuant to Sec. 61-4-72 of the Detroit Zoning Ordinance. Applicants that have received a denial prior to the Effective Date must file this appeal by end of business May 18, 2016. Applicants receiving a denial after the Effective Date may make such an appeal within 14 days of date of the denial letter in accordance with Sec. 61-3-242 and 61-4-73 of the Detroit Zoning Ordinance.



David Bell, Director

Effective Date: April 18, 2016