

CITY OF BELLEVILLE
PLANNING COMMISSION
REGULAR MEETING AGENDA
7PM – FEBRUARY 9, 2023
6 MAIN STREET
BELLEVILLE, MI 48111

1. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
2. ROLL CALL

Michael Hawkins – Chair	Randy Priest
Matthew Wagner – Vice-Chair	Mike Renaud
Becky Hasen	Julie Kissel
John Juriga	Mark Kowalski
James O’Keefe	
3. CITIZEN COMMENTS ON NON-AGENDA ITEMS
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - Amended March 10, 2022 minutes
 - January 12, 2023 minutes
6. PUBLIC HEARING
 - A. Proposed Zoning Map Amendment – 3.49-acre tract of land located at 515 Sumpter Rd. Currently zoned (I-P) Industrial Park District. Proposed change to (RM) Residential Multiple-Family Residential District
7. ELECTION OF CHAIR AND VICE-CHAIR
8. GENERAL BUSINESS
 - A. Zoning Map Amendment – 515 Sumpter Rd, (I-P) to (RM)
 - B. 515 Sumpter Rd – Site Plan Review - Proposed Residential Development – Davenport Brothers
 - C. Discussion of Proposed Zoning Ordinance Amendment – Updated Marihuana Ordinance
9. CITY MANAGER COMMENTS
10. PLANNING COMMISSIONER COMMENTS
11. CHAIRPERSON COMMENTS
12. CITIZEN COMMENTS
13. ACTION ITEMS FOR NEXT REGULARLY SCHEDULED MEETING
 - Public Hearing for Zoning Ordinance Amendment
14. ADJOURMENT

**PLANNING COMMISSION
REGULAR MEETING MINUTES
March 10, 2022**

A regular meeting of the City of Belleville Planning Commission was called to order at 7:05 P.M., at the Municipal Building, 6 Main Street, Belleville, MI 48111, by Chairperson Hawkins.

1. Pledge of Allegiance and Moment of Silence

2. Roll Call

Chairperson, Michael Hawkins	Present
Vice-Chairperson, Matthew Wagner	Absent
Becky Hasen	Present
John Juriga	Present
Randy Priest	Present
Mike Renaud	Present
Tom Fielder	Present
<i>Two Vacancies</i>	

3. Citizens Comments NONE

4. Agenda Approval

Motion to approve Agenda By Hasen, seconded by Renaud to approve the agenda as presented.

MOTION CARRIED

5. Approval of Minutes

Motion to approve minutes by Juriga seconded by Hasen.

MOTION CARRIED

6. Public Hearing NONE

7. General Business

A. 500 E. Huron River Drive – Land Use to be recognized by the planning commission.

DPS Director, Building Official Rick Rutherford asked the commission to consider this land-use request so that everyone will know the use was officially approved by the planning commission. Rutherford explained that there are currently no provisions in the ordinances for a veterinary facility. Rutherford said he has checked with the city's planning consultants who recommended the veterinary facility should be recognized as medical and reiterated that it would be considered professional services along with medical services.

Commissioner Juriga questioned how was the veterinary clinic in Davenport plaza considered? Rutherford stated he believed it was professional services but would have to check files to be sure.

Commission Vice-Chairman Hawkins stated that he does not wish to hold up the permission for this land use but said this should be an item that is looked at as the planning commission creates an ordinance review sub-committee.

Veterinarian Dr. Heather Jones presented that she and her husband had purchased the building located at 500 E. Huron River Dr. in order to expand her veterinary practice, "Animal Friends Veterinary Hospital" located in Canton, Michigan. Jones stated she intends to use the facility as a veterinary surgical center. Jones also said she plans to annex a section of the building to be used as a dance studio in the evening hours.

Jone's Architect, Wayde Hoppe presented a rendering of the proposed building interior layout showing that the North half of the building would be the veterinary hospital during the day and the South part of the building would be used by the dance studio in the evenings.

Commissioner Juriga inquired as to what the second level of the building would be used for and Hoppe explained it is planned as utilities and storage.

Commissioner Priest asked if there is green space available for the animals to use to for relieving themselves. Dr. Jones replied that the animals at this facility would be on anesthetics and medicine and would not be outside and most surgeries would be done in the morning and pets home by evening each day. Dr. Jones said the previous use as a flower shop in that building has proper drainage so that all can be maintained in a clean and appropriate manner. Dr. Jones added, that if and when necessary a green space would be added.

Motioned to approve this land use by Commissioner Juriga and seconded by Commissioner Hasan.

MOTION CARRIED

B. Planning Commissioners Hawkins, Wagner, Hasen, Juriga, Priest, and Renaud were sworn in for another term as appointed by Mayor Conley on March 7. (Not on original Agenda)

C. Ordinance Review Sub-Committee

A sub-committee was created including Building Official Rutherford, Chairman Hawkins, Commissioner Hasen, and Commissioner Priest. Sub-Committee's review of the ordinances, to include items from the public, to be forwarded to Director Rutherford for review by the city and the city's planners and presented back to the commission as a whole.

8. Chairperson Comments

Chairperson Hawkins welcomed Dr. Jones to the city and looks forward to the city ordinance updates by the newly formed sub-committee.

9. Planning Commissioners Comments

Commissioner Renaud stated he was looking forward to the work of the sub-committee to address important ordinances to assist in enforcement of the ordinances and to support the vision of the city and its residents.

Commissioner Hasan welcomed Dr. Jones to the city and commented that she uses Dr. Jones veterinary services.

Commissioner Juriga commented that he hopes Dr. Jones will eventually move her entire practice to Belleville and welcomed her to the city.

Commissioner Priest commented that he hopes the sub-committee will review the ordinances regarding sidewalks and blight.

Commissioner Fielder commented that he looks forward to his term serving the Planning Commission.

10. City Manager Comments

City Manager/Police Chief Robinson thanked Commissioners for their service and commented that he hopes the ordinance sub-committee will assist in moving forward with all the planned development and positive momentum taking place in the city.

City Manager Robinson also welcomed Dr. Jones to the City of Belleville.

11. Citizen Comments

NONE

12. Action Items for the Next Regular Scheduled Meeting

NONE

13. Adjournment

Motion by Juriga, second by Hasan to adjourn at 8:38 P.M.

MOTION CARRIED

Recorded by:
Amended by:

Tim McLean, City Deputy Administrator
David Robinson, City Manager

**PLANNING COMMISSION
REGULAR MEETING MINUTES
January 12, 2023**

A regular meeting of the City of Belleville Planning Commission was called to order at 7:00 P.M., at the Municipal Building, 6 Main Street, Belleville, MI 48111, by Chairperson Michael Hawkins.

1. Pledge of Allegiance and Moment of Silence

2. Roll Call

Chairperson, Michael Hawkins	Present
Vice-Chairperson, Matthew Wagner	Present arrived@ 7:40
Becky Hasen	Present
John Juriga	Present
Randy Priest	Present
Mike Renaud	Present
Julie Kissel	Present
Mark Kowalski	Present
One <i>Vacancy</i>	

3. Citizen Comments on Non-Agenda Items

None

4. Approval of Agenda

Motion by Hasen, second by Priest to approve agenda as presented.
Motion carried.

5. Approval of Minutes

Motion by Renaud, second by Priest to approve the Minutes of the Regular Planning Commission Meeting held on December 8, 2022. Motion carried.

Approval of amended March 10, 2022 meeting minutes to be on February 9, 2023 agenda.

6. Public Hearing

None

7. General Business

A. Recognition of reappointment of Commissioners Matt Wagner, Mike Renaud and Randy Priest; and welcome newly appointed commissioners Julie Kissel and Mark Kowalski.

Kowalski and Kissel introduced themselves.

B. 122 South Street – Proposed Accessory Structure Expansion – Mark Mrocca site approval

Motion by Juriga, second by Hasen to approve Accessory Structure Expansion at 122 South Street. Motion carried.

C. 515 Sumpter Road – proposed condominium development – Davenport Brothers – Presentation only

Building official Rutherford stated while going through rezoning of property by City Council Planning Commission can get familiar with project. City needs to rezone Sumpter Road parcel from IP to RM. Architect Scott Wright presented proposed residential development and answered questions. Discussion on date for public hearing, tentative date for rezoning is February 9, 2023.

D. Discussion/Update of Commissioners Ordinance Review

Chairperson Hawkins discussed sub-committee members. Hasen declined continuation of being on subcommittee, Priest agreed to continue to be on subcommittee, two additional commissioners needed. Further discussion on process of review of Zoning Ordinance. Subcommittee will be determined and meet after information and research provided by Building Official Rutherford and Steve Jones.

8. City Manager Comments

- Just witnessed how a Planning Commission meeting should go, very pleased and complimented commissioners on a great job.
- Now members of Planning Commission Association, literature ordered for commissioners.

9. Planning Commissioner Comments

Vice-Chair Matthew Wagner

- Welcomed new members Julie Kissel and Mark Kowalski
- Would like a minimum of 2 weeks to review plans
- Welcomed Steve Jones

Becky Hasen

- No comment

John Juriga

- Welcome new members
- Agenda needs time and to be a different colored paper

Randy Priest

- Warm welcome to new members
- Grateful to have Project Manager Steve Jones

Mike Renaud

- Welcome to new members
- Nice audience – appreciates the interest
- Going forward commission members should address one another formally
- Welcome to Steve Jones

Julie Kissel

- Questions on process of reviewing Zoning Ordinance, process explained by Chair

Mark Kowlaski

- Looking forward work on Planning Commission

10. Chairperson comments

Chair Michael Hawkins

- Will be absent for the February 9, 2023, Vice-chair Matthew Wagner will chair the meeting.
- Welcome to new members
- Meeting was productive and looking forward to more

11. Citizen Comments

Tom Fielder passed along compliments from the Bait Shop to the City on the process of opening, everything was completed timely on all departments of City.

12. Action Items for next regularly scheduled meeting

- Public hearing for 515 Sumpter Road rezoning
- Elect Chair and Vice Chair

13. Adjournment

Motion by Juriga, second by Wagner to adjourn at 8:15 P.M. Motion carried.

Respectfully submitted by: Michelle Bellingham

**NOTICE OF PUBLIC HEARING
CITY OF BELLEVILLE**

PROPOSED ZONING MAP AMENDMENT

Notice is hereby given that the City of Belleville's Planning Commission will conduct a public hearing to consider the request for a zoning change from the (I-P) Industrial Park District to the (RM) Residential Multiple-Family Residential District on a 3.49-acre tract of land, located at 515 Sumpter Road. The purpose of this request is to allow for the construction of single-story attached apartments.

The Planning Commission will conduct its public hearing on February 9, 2023 at 7PM, during the regular City of Belleville Planning Commission meeting, at the Municipal Council Chambers located at 6 Main Street, Belleville, Michigan.

Copies of the project plan detailing the proposed projects will be available for inspection by the general public at the Office of the City Clerk, 6 Main Street, Belleville, Michigan. Written comments received before the hearing record is closed on February 9, 2023 will receive responses in the final project plan. Written comments should be sent to the City of Belleville's Director of Public Works, Rick Rutherford, at 6 Main St, Belleville, MI, 48111.

Briana Hootman
Clerk/Treasurer

Publish: 1/19/2023

Rezoning Requests

Overview

What is a rezoning of property?

A rezoning is a change in the zoning classification of a specific property; it is an amendment to the City's Official Zoning Map. Authority to rezone property rests with the City Council.

Who can initiate a rezoning request?

A rezoning may be initiated by the City Council, the Planning Commission, or an owner of real property within the City.

What are the procedures for requesting a rezoning?

Upon receipt of a complete application for rezoning, the Planning Commission will hold a public hearing, review the request, and make a recommendation to the City Council. The City Council has final authority to approve or deny a request for rezoning.

Notice for the public hearing shall be published and mailed to property owners within 300 ft of the parcel at least 15 days prior to the meeting.

Do I need to attend any meetings?

You will be notified of all meetings with your rezoning request on the agenda. It is strongly recommended that you have representation at all meetings at which your application will be discussed.

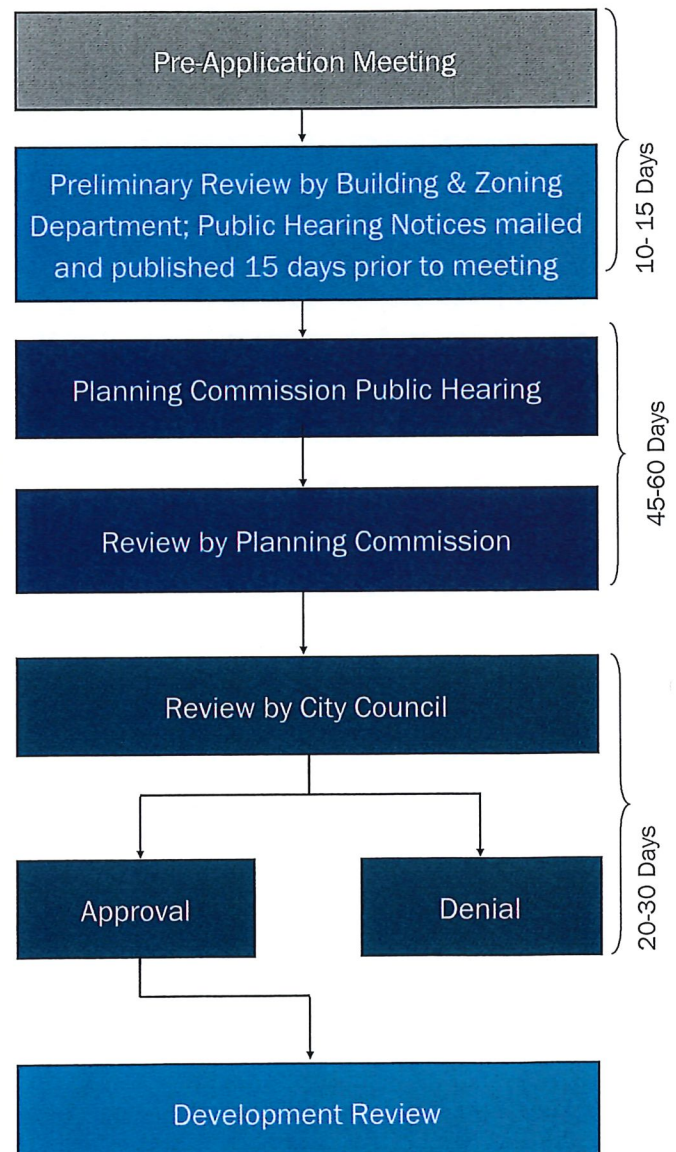
The Planning Commission and City Council may take action on a request whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available for questions.

Who do I contact if I have more questions?

Contact the City of Belleville Building & Zoning Department at:

Phone: (734) 697.9323 x 7026

Email: building@bellevilleonthelake.com



Considerations for Zoning Map Amendment:

Best Practices for Review of Proposed Zoning Map Changes/Rezoning Requests

1. Is the proposed zoning consistent with the Master Plan?
2. What other impact would the requested zoning have on public services, utilities, and natural features?
3. Has the Applicant provided evidence that the property cannot be developed or used as zoned?
4. Is the proposed zoning district (and potential land uses) compatible with surrounding uses?
5. Will the proposed zoning place a burden on nearby thoroughfares? If so, how would this burden compare with the existing zoning district?
6. Is there other land currently available for this use?
7. Will development of the site under proposed zoning be able to meet zoning district requirements?
8. Is rezoning the best way to address to the request or could the existing zoning district be amended to add the proposed use as the permitted or special land use?
9. Has there been a change in circumstances and conditions since adoption of the Master Plan that would support the proposed change?
10. Would granting the request result in the creation of an unplanned spot zone? Spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of a single property owner and to the detriment of others (*Rogers v. Village of Tarrytown*, 96 N.E. 2d 731). Typically, to determine if a rezoning would constitute spot zoning a municipality would look to answer three questions.
 - Is the rezoning request consistent with the Master Plan for the area?
 - Is the proposed zoning district a logical extension of an existing zoning district in the area?
 - Would approving the request grant a special benefit to a property owner or developer?

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3103 Notice; publication; mail or personal delivery; requirements.

Sec. 103. (1) Except as otherwise provided under this act, if a local unit of government conducts a public hearing required under this act, the local unit of government shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing.

(2) Notice required under this act shall be given as provided under subsection (3) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(3) The notice under subsection (2) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(4) A notice under this section shall do all of the following:

(a) Describe the nature of the request.

(b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(c) State when and where the request will be considered.

(d) Indicate when and where written comments will be received concerning the request.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.

3.1.12

IP Industrial Park District

A. INTENT

The purpose of this Section is to provide for a planned industrial park development area within the city. The industrial park should be developed in a coordinated manner according to an overall development plan which sets forth a unified street pattern and utilities systems. The industrial park will contain light industries which will be characterized by low land coverage, the absence of objectionable external effects and attractive industrial architecture. Regulations in this district are also designed to protect those areas adjacent to the industrial park which are utilized for non-industrial uses.

? User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

The following uses are permitted subject to the condition in **Section 3.10**.

- i. Light manufacturing[¶]
- ii. Building materials sales and storage
- iii. Carpenter shops
- iv. Extermination and fumigation contractors
- v. Feed and seed sales
- vi. Farm machinery sales and repair
- vii. Fuel station
- viii. Greenhouses wholesale
- ix. Laboratories for research and testing
- x. Laundries
- xi. Mail order houses
- xii. Medical and dental laboratories
- xiii. Monuments, cut stone and similar products - production and sales
- xiv. Moving companies
- xv. Packing crating and distributing services
- xvi. Petroleum bulk storage
- xvii. Pleasure boat construction
- xviii. Plumbing and electrical contractors
- xix. Printing and publishing establishments
- xx. Professional offices
- xxi. Public utility and service uses
- xxii. Radio and television stations and towers
- xxiii. Railroad rights-of-way and railroad terminal facilities
- xxiv. Refrigeration service
- xxv. Restaurants
- xxvi. Business schools or private schools operated for profit.
- xxvii. Recreation and exercise facilities.
- xxviii. Accessory uses, incidental to and on the same lot as the principal use.

C. SPECIAL APPROVAL USES

- i. Business schools or private schools operated for profit, which include outdoor activities
- ii. Recreation and exercise facilities, which include outdoor activities
- iii. **Child care facilities, commercial** § 4.38
- iv. **General Retail** § 4.39
- v. The following uses are permitted as special approval uses subject to the conditions in **Section 4.29**.
 - a. **Lumber and planing mills** § 4.34
 - b. Metal plating, buffing, and polishing
 - c. Chemical processing and production;
 - d. Cosmetics production;
 - e. Private heliports;
 - f. Municipal sewage-treatment plants;
 - g. Soap manufacturing;
 - h. Other manufacturing, processing, storage, or commercial uses

D. DEVELOPMENT STANDARDS

Lot Size

Lot area[Ⓐ]: 2 acres min.
 Lot width[Ⓐ]: 200 ft min.

Lot Coverage

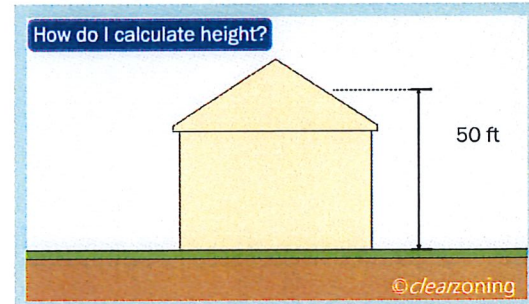
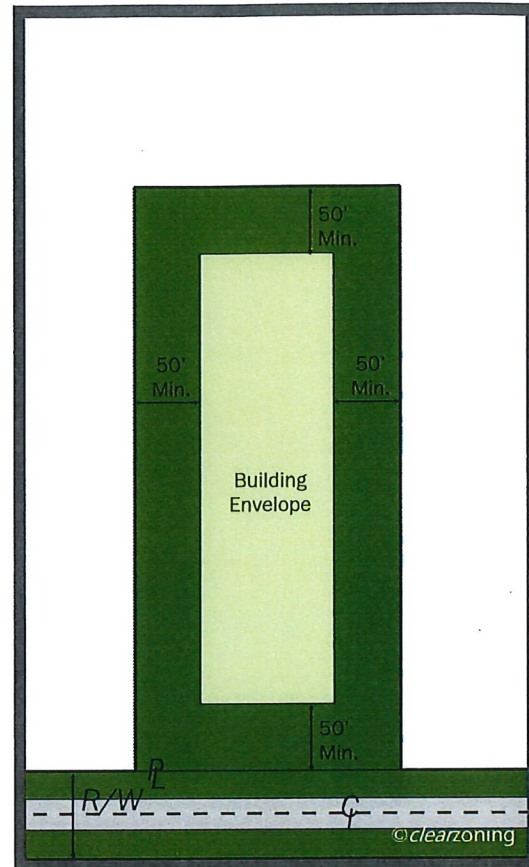
Maximum lot coverage: None

Setbacks[Ⓐ]

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 50 ft
 Minimum side yard setback: 50 ft least side
 100 ft total of two sides

Building Height[Ⓐ]

Maximum building height: 50 ft



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **IP Industrial Park Required Conditions** § 3.10
- **IP Industrial Park Greenbelt Requirements** § 3.11
- **General Exceptions** § 3.13

4. Use Standards

- **Accessory Building** § 4.36
- **Uses Not Otherwise Included within a Specific Use District** § 4.37

5. Site Standards

- **Off-Street Parking Requirements** § 5.1
- **Parking Layout, Entrance & Exit** § 5.2
- **Off-Street Loading and Unloading** § 5.3
- **Plant Material** § 5.4
- **Storage** § 5.5
- **Glare and Radioactive Material** § 5.6
- **Noise** § 5.7
- **Fences and Walls** § 5.8

6. Development Procedures

- **Site Plan Review** § 6.1
- **Special Approval** § 6.8

7.1 Admin. and Enforcement

- **Non-Conformities** § 7.1
- **Uses Under Exception Provisions Not Non-Conforming** § 7.2

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



3.1.4

R-M Multiple-Family Residential

A. INTENT

The intent of this district is to provide for multiple family residential dwellings in the form of townhouses, apartment buildings, and/or mobile homes in organized areas of the City. This use is suitably located as a transition use between single-family residential and more intensive uses. Due to higher density, ample green space and pedestrian connections to schools, employment, and shopping shall be provided.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Multiple-family dwellings[□]
- ii. Family Day Care Homes[□]
- iii. State licensed residential facilities[□]
- iv. **Private non-profit clubs**[□] § 4.8
- v. **Utility and public service facilities and uses (without storage yards)** § 4.9
- vi. **Public, parochial and other private elementary, intermediate and/or high schools** § 4.1
- vii. Places of worship
- viii. Accessory buildings and uses customarily incident to school uses.

C. SPECIAL APPROVAL USES

- i. **Mid-rise multiple-family elderly residential** § 4.10
- ii. **Convalescent homes** § 4.11
- iii. Group day care homes[□]
- iv. Accessory buildings and uses customarily incident to any of the above uses.

D. DEVELOPMENT STANDARDS

Lot Size

Lot area¹: See Section 3.7.2.C
 Lot width¹: None Specified

Lot Coverage

Maximum lot coverage: See Section 3.7.2.H

Setbacks¹

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 10 ft least side
 20 feet total of two sides

Building Height¹

Maximum building height: 35 ft or 3 stories, whichever is less

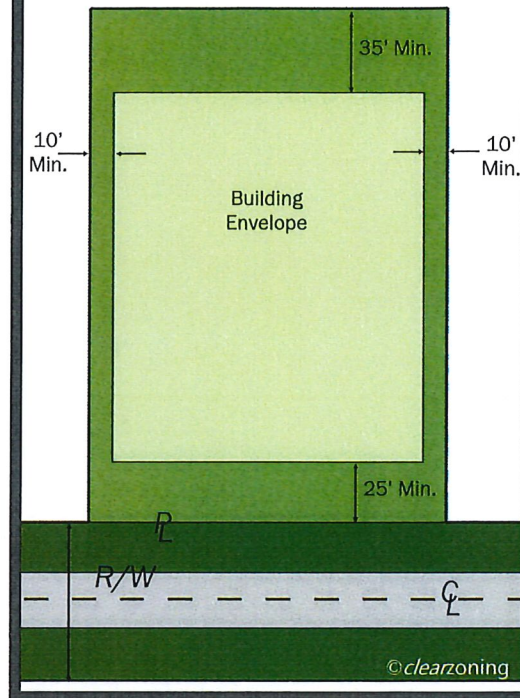
Floor Area¹

Minimum floor area per unit:
 Efficiency Apartment 300 sq ft
 One Bedroom Unit 600 sq ft
 Two Bedroom Unit 750 sq ft
 Three & More Bedroom Unit 750 sq ft plus an additional 150 sq ft for each room over 4

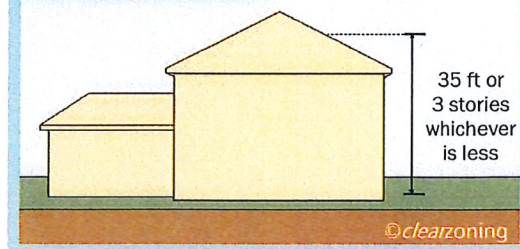
NOTES

- For additions to the above requirements, refer to Section 3.7.2: **C, D, E, and H.**

Drawing is based on a lot of 32,000 sq ft developed with five 4 room units.



How do I calculate height?



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Exceptions § 3.13

4. Use Standards

- Accessory Building § 4.36
- Uses Not Otherwise Included within a Specific Use District § 4.37

5. Site Standards

- Off-Street Parking Requirements § 5.1
- Parking Layout, Entrance & Exit § 5.2
- Off-Street Loading and Unloading § 5.3
- Plant Material § 5.4
- Storage § 5.5
- Glare and Radioactive Material § 5.6
- Noise § 5.7
- Fences and Walls § 5.8

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- Site Plan Review § 6.1
- Special Approval § 6.8

7.1 Admin. and Enforcement

- Non-Conformities § 7.1
- Uses Under Exception Provisions Not Non-Conforming § 7.2

1 Purpose and Introduction

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CITY OF BELLEVILLE
ORDINANCE NO. 2023-XXXX

AN ORDINANCE TO AMEND THE CITY OF BELLEVILLE ZONING ORDINANCE

THE CITY OF BELLEVILLE ORDAINS:

Article 1: Section 2.2 of the City’s Zoning Ordinance is hereby amended in light of the citizen initiated charter amendment passed at the November 8, 2022 election to add/amend the following definitions (any definitions not amended by this Ordinance shall remain unchanged):

“Agency” is defined as the state Marijuana Regulatory Agency or any successor agency.

“Co-location” or “co-located” means the siting and operation of a combination of multiple establishments, facilities or establishment or facility types at a single location.

“Designated Consumption Establishment” is defined as a business licensed by the Agency to permit adults twenty-one (21) years of age and older to consume marihuana products at a Business Address indicated on the Agency license.

“Excess marihuana grower” means a license issued by the Agency to a person holding five class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments or facilities.

“Licensee” means a person holding a state operating license for a marihuana establishment or facility.

“Marihuana” means all parts of the plant genus cannabis, growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp.

“Marihuana establishment” means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by LARA under the MRTMA.

“Marihuana event organizer” means a person licensed to apply for a temporary marihuana event license under the Emergency Rules.

“Marihuana facility” means a location at which a licensee is licensed to operate under the MMFLA.

“Grower” means a person licensed by LARA to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments or facilities.

“Microbusiness” means a person licensed by LARA to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments.

“Processor” means a person licensed by LARA to obtain marihuana from marihuana establishments or facilities; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments or facilities.

“Provisioning center” means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this Ordinance

“Retailer” means a person licensed by LARA to obtain marihuana from marihuana establishments or facilities and to sell or otherwise transfer marihuana to marihuana establishments or facilities and to individuals who are 21 years of age or older.

“Secure transporter” means a person licensed by LARA to obtain marihuana from marihuana establishments or facilities in order to transport marihuana to marihuana establishments or facilities.

“Safety compliance establishment” or “facility” means a person licensed by LARA to test marihuana, including certification for potency and the presence of contaminants.

“MMFLA” is defined as the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq.

“MMMA” is defined as the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq.

“MRTMA” is defined as the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq.

“Separation Distance Measurements” shall mean the distance computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this ordinance to the nearest property line of the parcel used as a marihuana facility [or establishment](#).

Article 2: Section 3.1.15 of the City's Zoning Ordinance is hereby amended in light of the citizen initiated charter amendment passed at the November 8, 2022 election to read, in its entirety, as follows:

A. **INTENT** The purpose and intent of the Industrial Overlay district is to provide a location for permitted marihuana [establishments and](#) facilities in the city in a manner that is consistent with State law and which promotes the health, safety, comfort, convenience, and general welfare of the residents and businesses within the city. This area, identified on the City of Belleville's Zoning Map, is intended to provide reasonable access for marihuana [establishments and](#) facilities and minimize the potential public health, safety, and nuisance impacts of such uses on local residents and businesses. This area is designated to minimize adverse impacts of marijuana establishments [and facilities](#) on adjacent properties, residential neighborhoods, schools and other locations where minors congregate. In addition, this area is designated to minimize environmental impacts that can accompany the cultivation and processing of marihuana. Nothing in this chapter shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance; or allow any activity relating to the cultivation, manufacturing, testing, distribution or consumption of marihuana that is otherwise illegal under Michigan law.

B. **PERMITTED USES** This overlay allows the uses permitted by right and by special land use as provided in the underlying zoning districts. In addition, marihuana [establishments and](#) facilities licensed by the City are principal permitted uses, pursuant to the standards in Section 4.40 and obtaining site plan approval as provided in Section 6.1.

C. **DEVELOPMENT STANDARDS** The development standards and all other standards in the underlying district apply.

D. **CONFLICT** Whenever any provision of this Section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance or by another provision of this Zoning Ordinance, then the provisions of this Section shall govern.

Article 3: Section 4.40 of the City's Zoning Ordinance is hereby amended in light of the citizen initiated charter amendment passed at the November 8, 2022 election to read, in its entirety, as follows:

4.40 MARIHUANA [ESTABLISHMENTS &](#) FACILITIES

1. Purpose. It is recognized by this Chapter that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Chapter. However, when properly regulated, these uses can make a positive contribution to the economic vitality of the city. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties.

2. Applicability. Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Michigan Regulation and Taxation of Marihuana Act (MRTMA) or other state law providing for the sale, transport, testing, growing, distribution, and processing of marihuana or any other activity involving a marihuana-related use shall require review and approval pursuant to Article 6. Any facility or establishment not specifically authorized in this Ordinance or Ordinance No. 2023-_____ is prohibited. ~~Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMMA).~~

3. Approval Procedures for Marihuana Establishments and Facilities.

A. Zoning approval. Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed facility or establishment.

B. License required. Licensing for marihuana establishments and facilities is required per Ordinance No. 2023-_____, Section 5 of General Code.

4. Zoning review application requirements. Zoning applications for marihuana establishments and facilities shall be submitted as required in Section 6.1. In addition, the following information is also required:

A. As provided in Section 6.1, a site plan is required, showing the proposed building(s) to be used, remodeled or reconstructed, along with the parking, landscaping and lighting plans. Existing and proposed building elevations shall be provided, including building materials, window glazing calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.

B. A plan for general waste disposal, chemical disposal and plant waste disposal.

C. A notarized statement by the property owner that acknowledges use of the property for a marihuana facility or establishment and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana facility or establishment. Written consent shall also include approval of the owner and operator for the City to inspect the facility or establishment at any time during normal business hours to ensure compliance with applicable laws and regulations.

D. A copy of official paperwork issued by LARA as follows: paperwork indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.

E. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the MRTMA, MMFLA or applicable State laws, covering the marihuana establishment or facility and naming the City as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors;

F. A map, drawn to scale, containing all schools within one thousand (1,000) feet of the proposed location. Distances shall be measured in accordance with the Separation Distance Measurements, as defined in Section 2.2.

G. Security Plan. A security plan shall address security measures related to the transportation and disposal of product and employee and customer safety. Video surveillance is required, and the camera system shall be equipped with software allowing local authorities to login securely to cameras remotely. The Belleville Police Department shall review the security plan prior

to acceptance of the application and shall approve the plan prior to the Planning Commission public hearing. At a minimum, the security plan shall address the following:

i. All marihuana waste shall be disposed of in a manner consistent with federal, state, and local laws so that the marihuana waste is destroyed properly and rendered unusable. All waste containers must be maintained within the secure facility and must be equipped with locks and tamper resistant seals until they are removed by an authorized waste disposal company.

ii. To the extent applicable, the security plan should include additional strategies for onsite protection from power outages, fire, chemical spills, and address other applicable issues such as storage, access control, credentialing, security officers, cameras, alarms, and internal theft.

iii. The plan shall address surveillance methods, access control strategies, territorial reinforcement, maintenance, and target hardening; including the experience of customers, employees, and neighbors (residents, offices, businesses, etc.).

iv. An explanation of how the video surveillance system will be operated, including who is responsible for monitoring the video footage and storing any video recordings.

v. A diagram showing where all cameras are located and assigning a number to each camera for identification purposes. The diagram shall be to scale and shall be correlated with a camera index for all assigned cameras. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises and allows for the clear and certain identification of any person and activities in all areas required to be recorded. Cameras must be placed in all rooms with exterior windows, exterior walls, and roof hatches. Entrances and exits to the premises or site shall be recorded from both indoor and outdoor vantage points. Parking areas shall also be recorded. Recording distance/range of each camera should be identified on the site plan.

vi. Areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises shall be recorded, as well as limited access areas, security room(s) and area storing the surveillance system storage device.

vii. Licensed retailers shall record point-of-sale areas and areas where marihuana products are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling marihuana products or selling marihuana products, or any person in the retail area, with enough clarity to determine identity.

H. Operations and Management Plan. An operations and management plan shall be submitted. The plan should describe security measures in the facility or establishment; this may include the movement of the product, methods of storage, cash handling, etc.

I. All permitted facilities and establishments shall be bonded to guarantee that all accounting and taxes are paid in full according to the law and that the operation or facility performs in accordance with all government standards.

5. Separation Distances. It is recognized that these uses which, because of their very nature, have serious objectionable operational characteristics, and that separation distances are necessary from certain uses as described in this Section.

A. No marihuana facilities or establishments are permitted within one thousand (1,000) feet of the following uses: K through 12 public or private school building.

B. A provisioning center or retailer may not be located within 150 feet of a one-family or multiple-family dwelling unless the owner of the dwelling signs a waiver of this requirement in a form acceptable to the City and records the waiver with the Wayne County Register of Deeds.

6. General requirements for marihuana establishments and facilities. In addition to all requirements of Ordinance No. 2023-_____ and any other requirements of this Zoning Ordinance or Township Ordinances, and any conditions imposed by the Planning Commission, all marihuana facilities and establishments must comply with the following requirements:

A. Unless otherwise permitted by law, consumption of marihuana shall only be permitted in designated consumption facilities, and a sign shall be posted on the premises of each other facility or establishment type indicating that consumption is prohibited on the premises.

B. Residential uses within the same structure/building are prohibited.

C. Outdoor storage or discharge of toxic, flammable or hazardous materials into city sewer or storm drains is prohibited. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.

D. No marihuana facilities or establishments shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility or establishment is operated.

E. Interior construction and design of a facility or establishment shall not impede the future use of a building for other uses as permitted in the zoning district.

F. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility or establishment will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.

G. Parking facilities.

i. Parking lots adjacent to public or private streets shall be screened from the road with a thirty-inch (30") high decorative brick, stone or other decorative masonry wall complementing the adjacent buildings. A continuous evergreen hedge or decorative ornamental fence with landscaping may be allowed with Planning Commission approval.

ii. Parking located in the rear or side yards adjacent to residential districts shall be screened with a four- to sixfoot-high decorative brick, stone or other masonry wall complementing the adjacent buildings.

H. Air contaminants must be controlled and eliminated by the following methods:

i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter (s) shall be rated for the applicable CFM.

ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

iii. Negative air pressure must be maintained inside the building.

iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

v. The building official may approve an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the

State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.

I. Screening for Parks and Open Space. All marihuana facilities or establishments shall be screened along any lot line adjacent to a public or private park or open space by a six (6) foot high masonry screenwall and evergreen screening. The screenwall shall have a decorative finish facing the park or open space and the evergreen screening, shall be planted on the park or open space side of the wall such that the wall is mostly obscured. There shall be no building entrances of any kind facing a park or open space area.

J. Building entrances. For buildings fronting on Savage Road, the primary building entrance for customer and deliveries shall not be on the side facing Savage Road.

7. Specific requirements for marihuana retailers, provisioning centers, microbusinesses and designated consumption facilities. Such uses shall be presented as being for retail purposes for the general public. The sale or dispensing of alcohol or tobacco products at a marihuana retail facility is prohibited. On-site parking shall be provided for such uses consistent with retail stores as required in Section 5.1.2.

A. Hours of operation. No marihuana retailer, provisioning center, microbusiness or designated consumption facilities shall be open to the public between the hours of 8 p.m. to 8 a.m. unless otherwise permitted in the Section 8 of general code, Ordinance No. 2023-.

B. Facility Exterior. The exterior appearance of a facility or establishment must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan. Building element standards in Section 3.1.7.E apply to marihuana retailers, provisioning centers, microbusinesses and designated consumption facilities in order to promote a vibrant, safe and comfortable district.

i. No marihuana or equipment used in the sale, testing or transport of marihuana can be placed or stored outside of an enclosed building. This section does not prohibit the placement or storage of motor vehicles outside of an enclosed building so long as money or marihuana is not left in an unattended vehicle.

ii. Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention. Outdoor lighting will-shall comply with Section 5.13.

iii. Drive-through facilities, temporary and mobile facilities or establishments are prohibited.

C. Facility Interior.

i. Neither marihuana nor marihuana-infused products may be placed within twenty (20) feet of the front façade.

ii. Interior security measures other than security cameras shall not be visible from the public right-of-way (e.g. security shutters, bars, or other methods) during operating business hours.

iii. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.

iv. The interior of the facility or establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the facility or establishment.

v. The public or common areas must be separated from restricted or non-public areas.

vi. Cultivation must occur within an enclosed building with exterior facades

consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.

vii. Cultivation must be conducted in a manner to minimize adverse impacts on the City's sanitary sewer system.

8. Specific requirements for Marihuana Safety Compliance Facilities or Establishments, Secure Transporters, Processors and Growers.

A. Shall have a secured growing, processing, laboratory space and marihuana storage areas that cannot be accessed by the general public.

B. Have appropriate education, training and/ or experience to comply with state regulations on testing medical marihuana.

C. There shall be no other accessory uses permitted within the same facility or establishment other than those permitted in Sections 4.3 and 4.4 of General Code.

D. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

E. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.

F. Cultivation, processing and other operations must be conducted in a manner to minimize adverse impacts on the City's sanitary sewer system.

9. Violations.

A. A marihuana facility or establishment shall not be granted a state operating license until the findings and approvals of this Section are completed.

B. Civil infraction. It is unlawful to disobey, neglect, or refuse to comply with any provision of this Chapter. A violation is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to fines as determined by the City Council.

C. Failure to comply with the requirements of this Section shall be considered a violation and may jeopardize the site plan approval and/or license. The City may seek other appropriate and proper remedies, including actions in law or equity.

D. Consumption. Unless otherwise permitted in a licensed designated consumption establishment or by law, it shall be a violation of this Chapter for smoking, inhalation, or other consumption of marihuana, or for a person to knowingly allow this behavior to take place on or within the premises of any facility or establishment. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:

i. The person had control over the premises or the portion of the premises where the marihuana was consumed;

ii. The person knew or reasonably should have known that the marihuana was consumed; and

iii. The person failed to take corrective action.

10. Loss of State Operating License. If at any time an authorized facility or establishment violates this Chapter or any other applicable City ordinance, the City Commission may request that LARA revoke or refrain from renewing the facility's or establishment's state operating license.

A. Revocation of site plan approval. Any approval granted for a facility or establishment may be revoked or suspended for any of the following reasons:

i. Revocation or suspension of the licensee's authorization to operate by LARA.

ii. A finding by LARA that a rule or regulation has been violated by the licensee.

After an automatic revocation of a site plan approval, a new site plan review application shall be required for a facility or establishment to commence operation at the same location.

B. Failure to obtain state license. In addition to the requirements in this chapter, if the applicant fails to obtain the necessary license from LARA within the one (1) year approval period or any extension, the site plan approval shall expire.

C. Cessation of operations. Cessation of operations for one (1) year, including failure to maintain state licenses necessary to engage in the approved land use is cause for revocation of the site plan approval.

~~**11. Rights.** The operation of a licensed marihuana facility is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this Chapter is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in these activities either prior to or after the enactment of this amendment without obtaining the required authorization is deemed to be an illegally established use and is not entitled to nonconforming use status. Nothing in this Chapter may be held or construed to grant a vested right, license, permit or privilege to continued operations within the City.~~

~~**1211. State Law.** Nothing in this Chapter shall be construed in such a manner as to conflict with the MMMA, MMFLA, MRTMA, or other applicable state marihuana law or rules.~~

~~**1312. Federal Law.**~~

~~A. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules.~~

~~B. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Acts do not protect users, caregivers or the owners of properties on which the use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.~~

Article 4: The various parts, sections and clauses of this Ordinance are hereby declared to be severable and self-executing. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid as to any person or circumstance by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and that invalidity or

unenforceability shall not affect the validity, enforceability, or application of any other portion of this Ordinance.

Article 5: This Ordinance shall take effect 10 days after its adoption and publication pursuant to the City's Charter.

Ordinance **2023-XXXX** adopted by the City Council on _____

ADOPTED, APPROVED AND PASSED by the City Council of the City of Belleville this _____ day of _____, 2023.

KERREEN CONLEY, Mayor

BRIANA HOOTMAN, City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Belleville at a regular Council Meeting held on the _____ day of _____, 2023.

BRIANA HOOTMAN, City Clerk

I further certify that the foregoing was published in the Belleville Area Independent, a newspaper of general circulation in the City of Belleville, on the _____.

BRIANA HOOTMAN, City Clerk

Introduced:

Published:

Enacted:

Published:

Effective:

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