

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

1. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

2. ROLL CALL

Michael Hawkins – Chair
Matthew Wagner – Vice-Chair
Becky Hasen
John Juriga
James O’Keefe

Randy Priest
Mike Renaud
Julie Kissel
Mark Kowalski

3. CITIZEN COMMENTS ON NON-AGENDA ITEMS

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

February 9, 2023 minutes

6. PUBLIC HEARING

A. Proposed Amendments to the City of Belleville Zoning Ordinance – The City of Belleville is proposing amendments to its’ Zoning Ordinance regarding Marihuana. This is in light of citizen-initiated amendments passed at the Nov. 8, 2022 election allowing medical marihuana establishments and facilities in the designated Industrial Overlay District

7. GENERAL BUSINESS

A. Zoning Ordinance Amendments – Proposed Ordinance #2023-? – Marihuana Zoning Ordinance

B. 515 Sumpter Rd – Site Plan Review - Proposed Residential Development – Davenport Brothers

C. Main/Liberty St. - Belleville Retail Center – Site Plan Review – Phase 2 – Scott Jones

8. CITY MANAGER COMMENTS

9. PLANNING COMMISSIONER COMMENTS

10. CHAIRPERSON COMMENTS

11. CITIZEN COMMENTS

12. ACTION ITEMS FOR NEXT REGULARLY SCHEDULED MEETING

13. ADJOURNMENT

**PLANNING COMMISSION
REGULAR MEETING MINUTES
February 9, 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 Vice Chairperson Matthew Wagner.

1. Pledge of Allegiance and Moment of Silence

2. Roll Call

Chairperson, Michael Hawkins	Absent - excused
Vice-Chairperson, Matthew Wagner	Present
Becky Hasen	Present
John Juriga	Present
Randy Priest	Present – arrived 7:12
Mike Renaud	Present
Julie Kissel	Absent - excused
Mark Kowalski	Present
James O'Keefe	Present

3. Citizen Comments on Non-Agenda Items
None

4. Approval of Agenda
Motion by Hasen, second by Juriga to approve agenda as presented.
Motion carried.

5. Approval of Minutes
Motion by Juriga, second by Wagner to approve the amended minutes of the Regular Planning Commission Meeting held on March 10, 2022. Motion carried.

Motion by Renaud, second by to approve minutes with spelling correction of Kowalski of the Regular Planning commission Meeting held on January 12, 2023.
Motion carried.

6. Public Hearing
Motion by Juriga, second by Hasen to call Public Hearing to order at 7:07 PM

- Commissioner Renaud commented the zoning change is a worthwhile. Also questioned if Van Buren Township does not approve their rezoning does that impact the City's rezoning, Steve Jones replied it has no impact on our decision.
- Commissioner Juriga questioned what was on the property prior, Building Official Rutherford responded a residential home and barn.

- Resident from Victoria Commons questioned language on flyer to what was wrote in Belleville Area Independent. Steve Davenport gave a brief explanation of the proposed site development.
- Commissioner Priest inquired about the sidewalk along Sumpter Road by development.
- Tom Fielder provided the history of the current sidewalk.

Motion by Renaud, second by Priest to close public hearing and open regular Planning Commission meeting at 7:15. Motion carried.

7. Election of Chair and Vice Chair

Motion by Juriga second by Priest to appoint Michael Hawkins as Chair of Planning Commission and Matthew Wagner as Vice Chair of Planning Commission. Motion carried.

8. General Business

A. Zoning Map Amendment – 515 Sumpter Rd, (I-P) to (RM)

Motion by Juriga, second by Hasen to recommend zoning map change of 515 Sumpter Road from I-P to RM to City Council. Motion carried.

B. 515 Site Plan review Proposed Residential Development – Davenport Brothers.

Steve Davenport gave presentation and answered questions. Drawings should be submitted by February 28, 2023. Next Planning Commission meeting vote will be taken on site plan approval.

C. Discussion of Proposed Zoning Ordinance Amendment – Updated Marihuana Ordinance

- Resident/business owner Matthew McLean questioned who decided the zoning and would the city consider expanding the zoning area for Marihuana dispensaries. Vice Chair Wagner responded
- Discussion on spelling of Marihuana.

Motion by Priest, second by Renaud to hold public hearing next month for Proposed Zoning Ordinance Amendment – Updated Marihuana Ordinance. Motion carried.

9. City Manager Comments

- Process is working well.
- Zoning Ordinance, is a lot of work, appreciation to Planning Commission for their work reviewing ordinance. Glad to have legal counsel involved.
- Good job to Wagner for chairing meeting.

10. Planning Commissioners comments

Becky Hasen – no comment

John Juriga –

- Welcome James O'Keefe.
- Parking signs needed by Belleville Main development on Liberty Street. More parking is needed.
- Clarification of museum construction-machine on roof exposed

Randy Priest-

- Pleased with development in City and plans for the future.
- City needs to be more connected via sidewalks.

Mike Renaud

- Good meeting, good exchange of information with Steve Davenport.
- Welcome James O'Keefe.
- Nice interactive meeting with citizens.

Mark Kowalski

- Likes seeing things moving forward.
- Welcome James O'Keefe.

James O'Keefe

- No comment today, taking it all in.

11. Chairperson Comments

- Nice debate and conversation.
- Thank you to Davenport for attending meeting.
- Thank you for volunteering and welcome to Planning Commission James O'Keefe.

12. Citizen Comments

- Fielder, here at a great time with development happening.
- Excited about the opportunities available.
- Current parking issues- pleasant problem, shows we have out of town citizens visiting Belleville.
- Nice to see new members of Planning Commission.

13. Action Items for next regularly scheduled meeting

Public Hearing of Zoning Ordinance Amendment
Update site plan from Davenport

14. Adjournment

Motion by Juriga, second by Hasen to adjourn at 8:31 PM.
Motion carried.

Respectfully submitted by: Michelle Bellingham

**NOTICE OF PUBLIC HEARING
CITY OF BELLEVILLE
PLANNING COMMISSION**

**PROPOSED AMENDMENTS TO THE CITY OF BELLEVILLE
ZONING ORDINANCE**

Notice is hereby given that the City of Belleville's Planning Commission will conduct a public hearing to receive comments on proposed amendments to the City of Belleville's Zoning Ordinance regarding Marihuana.

The amendments are proposed in light of citizen-initiated amendments passed at the November 8, 2022 election allowing medical marihuana establishments and facilities in the designated Industrial Overlay district.

The Planning Commission will conduct its public hearing on March 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 proposed Zoning Amendment 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: 2/16/2023, 2/23/2023

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.

“MMA” 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 (MMA).~~

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 marijuana waste shall be disposed of in a manner consistent with federal, state, and local laws so that the marijuana 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 marijuana 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 marijuana 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 marijuana products or selling marijuana 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 marijuana 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, cConsumption 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.B 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:

88108:00001:6881109-1