

**CITY OF CEDAR SPRINGS
KENT COUNTY, MICHIGAN
(Ordinance No. 2020 - ____)**

At a regular meeting of the City Council for the City of Cedar Springs held at _____ on _____, 2020 at _:__, the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

AN ORDINANCE TO AMEND CHAPTER 40, ARTICLE I, SECTION 40-5 ENTITLED “DEFINITIONS – K – M;” TO AMEND CHAPTER 40, ARTICLE IV, DIVISION 2, SECTION 40-468 ENTITLED “PROHIBITION OF MARIHUANA DISPENSARIES, COLLECTIVES AND COOPERATIVES;” TO AMEND CHAPTER 40, ARTICLE III, SECTION 40-294 ENTITLED “SPECIAL LAND USES” FOR THE B-2 CENTRAL BUSINESS DISTRICT; TO AMEND CHAPTER 40, ARTICLE III, SECTION 40-342 ENTITLED “SPECIAL LAND USES” FOR THE B-3 HIGHWAY BUSINESS DISTRICT; TO AMEND CHAPTER 40, ARTICLE III, SECTION 40-365 ENTITLED “SPECIAL LAND USES” FOR THE HC HIGHWAY COMMERCIAL DISTRICT; TO AMEND CHAPTER 40, ARTICLE III, SECTION 40-387 ENTITLED “SPECIAL LAND USES” FOR THE I-1 INDUSTRIAL DISTRICT; AND TO AMEND CHAPTER 40, ARTICLE VIII, SECTION 40-575 ENTITLED “USES - F – M” OF THE CODE OF ORDINANCES FOR THE CITY OF CEDAR SPRINGS.

THE CITY OF CEDAR SPRINGS (“City”) ORDAINS:

Section 1. Amendment of Chapter 40, Article I, Section 40-5. Chapter 40, Article I, Section 40-5 of the Code of Ordinances for the City of Cedar Springs entitled “Definitions – K – M” is amended as follows:

- The definition of “*Marihuana*” is amended to read: *Marihuana* means marihuana as defined in Section 7601 of the Michigan Public Health Code, 1978 PA 368 (MCL 333.7106 *et seq.*), as amended.
- The term “*Medical use of marihuana*” is deleted.
- The term “marihuana establishment” is added as follows: *Marihuana Establishment* means marihuana establishment as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- The term “marihuana facility” is added as follows: *Marihuana facility* means marihuana facility as defined in the Medical Marihuana Facilities Licensing Act, 2016 IL 281 (MCL 333.27101 *et seq.*), as amended.

[The remainder of Section 40-5 is unchanged.]

Section 2. Amendment of Chapter 40, Article IV, Division 2, Section 40-468. Chapter 40, Article IV, Division 2, Section 40-468 of the Code of Ordinances for the City of Cedar Springs entitled

“Prohibition of marihuana dispensaries, collectives, and cooperatives” is amended to read in its entirety as follows:

Sec. 40-468. – Marihuana Establishments and Facilities.

- (a) Marihuana facilities are prohibited within the City of Cedar Springs.
- (b) Marihuana establishments are only permitted within the City of Cedar Springs as a special land use in accordance with Article III. Regardless of co-location, special land use approval is required for each marihuana establishment.

Section 3. Amendment of Chapter 40, Article III, Section 40-294. Chapter 40, Article III, Section 40-294 of the Code of Ordinances for the City of Cedar Springs entitled “Special Land Uses” for the B-2 Central Business District is amended as follows:

- Subpart “r” is added and reads as follows: Marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.

[The remainder of Section 40-294 is unchanged]

Section 4. Amendment of Chapter 40, Article III, Section 40-342. Chapter 40, Article III, Section 40-342 of the Code of Ordinances for the City of Cedar Springs entitled “Special Land Uses” for the B-3 Highway Business District is amended as follows:

- Subpart “r” is added and reads as follows: Marihuana microbusiness as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “s” is added and reads as follows: Marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.

[The remainder of Section 40-342 is unchanged]

Section 5. Amendment of Chapter 40, Article III, Section 40-365. Chapter 40, Article III, Section 40-365 of the Code of Ordinances for the City of Cedar Springs entitled “Special Land Uses” for the HC Highway Commercial District is amended as follows:

- Subpart “r” is added and reads as follows: Marihuana excess grower as defined in the Adult-Use Marihuana Establishment Emergency Rules, as amended and promulgated by the Michigan Department of Licensing and Regulatory affairs or its successor agency.
- Subpart “s” is added and reads as follows: Marihuana grower as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “t” is added and reads as follows: Marihuana microbusiness as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*),

as amended.

- Subpart “u” is added and reads as follows: Marihuana processor as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “v” is added and reads as follows: Marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “w” is added and reads as follows: Marihuana safety compliance facility as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.

[The remainder of Section 40-365 is unchanged]

Section 6. Amendment of Chapter 40, Article III, Section 40-387. Chapter 40, Article III, Section 40-387 of the Code of Ordinances for the City of Cedar Springs entitled “Special Land Uses” for the I-1 Industrial District is amended as follows:

- Subpart “y” is added and reads as follows: Marihuana excess grower as defined in the Adult-Use Marihuana Establishment Emergency Rules, as amended and promulgated by the Michigan Department of Licensing and Regulatory affairs or its successor agency.
- Subpart “z” is added and reads as follows: Marihuana grower as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “aa” is added and reads as follows: Marihuana microbusiness as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “bb” is added and reads as follows: Marihuana processor as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.
- Subpart “cc” is added and reads as follows: Marihuana safety compliance facility as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended.

[The remainder of Section 40-387 is unchanged]

Section 7. Amendment of Chapter 40, Article VIII, Section 40-575. Chapter 40, Article VIII, Section 40-575 of the Code of Ordinances for the City of Cedar Springs entitled “Uses – F – M” is amended as follows:

[The amendment reflects that addition of paragraph (g). The remainder of the Section is substantively unchanged]:

(a) *Golf courses and country clubs.*

(1) Minimum lot size shall be 40 acres.

- (2) All buildings shall be set back a minimum distance of 75 feet from all property and right-of-way lines.
 - (3) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct light away from all residential lands which adjoin the site.
- (b) *Hospitals, clinics, or convalescent homes (but not including institutions for the mentally challenged, special needs, drug or alcoholic patients, or correctional institutions of any type):*
- (1) All sites shall abut and have access to an arterial street.
 - (2) Hospitals and convalescent homes shall be set back at least 75 feet from the road right-of-way line and 50 feet from all other property lines.
- (c) *Housing for seasonal labor.*
- (1) All such housing shall be in conjunction with an active agricultural operation.
 - (2) Proper interior and exterior maintenance of all structures shall be provided.
 - (3) All applicable federal, state and county regulations shall be complied with.
- (d) *Junk and salvage yards.*
- (1) Minimum lot size shall be five acres.
 - (2) The setback from the front property line to the area upon which junk materials are stored shall not be less than 150 feet and said area shall be screened from view around the entire periphery of the site by a wall or fence at least eight feet in height. Such wall or fence shall be of sound construction and painted or otherwise attractively finished.
 - (3) The area where junk materials are stored, including all buildings, shall be located no closer than 500 feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or similar use nor closer than 100 feet to any residential district boundary line. A 100-foot greenbelt shall be provided along the property line in all cases.
 - (4) All structures, fencing, and storage yards shall be set back not less than 50 feet from any street and any commercial or industrial district boundary line. Such setback shall be maintained as a greenbelt to minimize the appearance of the installation.
- (e) *Kennels, veterinary hospitals and animal clinics.*

- (1) Minimum required setback for all buildings shall be 75 feet No structure shall be closer than 50 feet to any property line.
 - (2) For kennels, the minimum lot size shall be two acres for the first four dogs and an additional 10,000 square feet for each one additional dog.
 - (3) The planning commission shall consider the effects of noise, odor, and sanitary conditions on surrounding properties and may require additional safeguards to prevent any possible nuisance.
- (f) *Manufacturing, compounding, processing, packaging, treating, assembly, and bulk storage of certain products.*
- (1) Minimum site size shall be five acres.
 - (2) Minimum required front setback for all buildings shall be 100 feet.
 - (3) No use of this type shall be permitted within 1,000 feet of any residential district.
 - (4) The site shall abut and have direct access to an arterial street.
 - (5) Proposed truck routes to and from the site shall be subject to planning commission approval.
 - (6) All applicable federal, state, and county regulations shall be complied with.
- (g) *Marihuana Establishments.*
- (1) Excess Grower
 - i. Cannot be located on the same parcel as any residential use.
 - ii. Cannot share a property line with any single-family residential use.
 - iii. Cannot be within 500 feet of R-1, R-2, R-3, or MU zoned property. Distance is measured from property line to property line.
 - iv. Cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance is measured from property line to property line.
 - v. Only permitted in the HC District if (1) it is co-located with a marihuana retailer and (2) the total floor space of the building(s) where the excess grower and marihuana retailer are co-located does not exceed 20,000 square feet.

- vi. In the HC District - provided the requirements of paragraph (4)(v) are met, may co-locate with any one or a combination of the following: marihuana grower, marihuana processor.
- vii. In the I-1 District - may co-locate with any one or a combination of the following: marihuana grower, marihuana processor.
- viii. Must have security plan that at a minimum complies with the requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended and rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- ix. The exterior appearance must remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- x. Odor Control: must have a system that prevents smoke, odor, debris, dust, fluids and other substances relating to cultivation, manufacturing, production, storage, testing, transportation, and sale of marihuana from exiting the marihuana establishment.
 - a. Whether smoke, odor, debris, dust, fluids, or other substances relating to cultivation, manufacturing, production, storage, testing, transportation, or sale of marihuana are exiting the marihuana establishment will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
 - b. Negative air pressure will be maintained inside the marihuana establishment at all times.

(2) Growers of any Class

- i. Cannot be located on the same parcel as any residential use.
- ii. Cannot share a property line with any single-family residential use.
- iii. Cannot be within 500 feet of R-1, R-2, R-3, or MU zoned property. Distance is measured from property line to property line.
- iv. Cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance is measured from property line to property line.

- v. Only permitted in the HC District if (1) it is co-located with a marihuana retailer and (2) the total floor space of the building(s) where the marihuana grower and marihuana retailer are co-located does not exceed 20,000 square feet.
- vi. In the HC District - provided the requirements of paragraph (4)(v) are met, may co-locate with any one or a combination of the following: marihuana excess grower, marihuana processor.
- vii. In the I-1 District - may co-locate with any one or a combination of the following: marihuana excess grower, marihuana processor.
- viii. Must have security plan that at a minimum complies with the requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended and rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- ix. The exterior appearance must remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- x. Odor Control: must have a system that prevents smoke, odor, debris, dust, fluids and other substances relating to cultivation, manufacturing, production, storage, testing, transportation, and sale of marihuana from exiting the marihuana establishment.
 - a. Whether smoke, odor, debris, dust, fluids, or other substances relating to cultivation, manufacturing, production, storage, testing, transportation, or sale of marihuana are exiting the marihuana establishment will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
 - b. Negative air pressure will be maintained inside the marihuana establishment at all times.

(3) Microbusiness

- i. Cannot be located on the same parcel as any residential use.
- ii. Cannot share a property line with any single-family residential use.
- iii. Microbusinesses located in an I-1 District cannot be within 500 feet of R-1, R-2, or MU zoned property. Distance is measured from property line

to property line.

- iv. Cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance is measured from property line to property line.
- v. Cannot co-locate or be on the same parcel as any other marihuana establishment.
- vi. Must have security plan that at a minimum complies with the requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended and rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- vii. The exterior appearance must remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- viii. Odor Control: must have a system that prevents smoke, odor, debris, dust, fluids and other substances relating to cultivation, manufacturing, production, storage, testing, transportation, and sale of marihuana from exiting the marihuana establishment.
 - a. Whether smoke, odor, debris, dust, fluids, or other substances relating to cultivation, manufacturing, production, storage, testing, transportation, or sale of marihuana are exiting the marihuana establishment will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
 - b. Negative air pressure will be maintained inside the marihuana establishment at all times.

(4) Processors

- i. Cannot be located on the same parcel as any residential use.
- ii. Cannot share a property line with any single-family residential use.
- iii. Cannot be within 500 feet of R-1, R-2, R-3, or MU zoned property. Distance is measured from property line to property line.
- iv. Cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance is measured from property line to property line.

- v. Only permitted in the HC District if (1) it is co-located with a marihuana retailer and (2) the total floor space of the building(s) where the marihuana processor and marihuana retailer are co-located does not exceed 20,000 square feet.
- vi. In the HC District - provided the requirements of paragraph (4)(v) are met, may co-locate with any one or a combination of the following: a marihuana excess grower, marihuana grower.
- vii. In the I-1 District - may co-locate with any one or a combination of the following: marihuana excess grower, marihuana grower.
- viii. Must have security plan that at a minimum complies with the requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended and rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- ix. The exterior appearance must remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- x. Odor Control: must have a system that prevents smoke, odor, debris, dust, fluids and other substances relating to cultivation, manufacturing, production, storage, testing, transportation, and sale of marihuana from exiting the marihuana establishment.
 - a. Whether smoke, odor, debris, dust, fluids, or other substances relating to cultivation, manufacturing, production, storage, testing, transportation, or sale of marihuana are exiting the marihuana establishment will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
 - b. Negative air pressure will be maintained inside the marihuana establishment at all times.

(5) Retailer

- i. Cannot be located on the same parcel as any residential use.
- ii. Cannot share a property line with any single-family residential use.
- iii. Cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance

is measured from property line to property line.

- iv. Only permitted in the HC District if (1) it is co-located with either a marihuana grower, marihuana excess grower, or marihuana processor and (2) the total floor space of the building(s) where the marihuana grower, marihuana excess grower, or marihuana processor and marihuana retailer are co-located does not exceed 20,000 square feet.
- v. In the HC District - provided the requirements of paragraph (4)(iv) are met, may co-locate with any one or a combination of the following: marihuana grower, marihuana excess grower, marihuana processor.
- vi. May not co-locate with any other marihuana establishment in the B2 or B3 District.
- vii. Must have security plan that at a minimum complies with the requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended and rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- viii. The exterior appearance must remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- ix. Odor Control: must have a system that prevents smoke, odor, debris, dust, fluids and other substances relating to cultivation, manufacturing, production, storage, testing, transportation, and sale of marihuana from exiting the marihuana establishment.
 - a. Whether smoke, odor, debris, dust, fluids, or other substances relating to cultivation, manufacturing, production, storage, testing, transportation, or sale of marihuana are exiting the marihuana establishment will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
 - b. Negative air pressure will be maintained inside the marihuana establishment at all times.

(6) Safety Compliance Facility

- i. Cannot be located on the same parcel as any residential use.
- ii. Cannot share a property line with any single-family residential use.

- iii. Cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Distance is measured from property line to property line.
- iv. Cannot co-locate or be on the same parcel as any other marihuana establishment.
- v. Must have security plan that at a minimum complies with the requirements of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1 (MCL 333.27951 *et seq.*), as amended and rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.
- vi. The exterior appearance must remain compatible with the exterior appearance of buildings already constructed or under construction within the immediate area and be maintained so as to prevent blight, deterioration, or substantial diminishment or impairment of property values within the immediate area.
- vii. Odor Control: must have a system that prevents smoke, odor, debris, dust, fluids and other substances relating to cultivation, manufacturing, production, storage, testing, transportation, and sale of marihuana from exiting the marihuana establishment.
 - a. Whether smoke, odor, debris, dust, fluids, or other substances relating to cultivation, manufacturing, production, storage, testing, transportation, or sale of marihuana are exiting the marihuana establishment will be measured by the objective standards of a reasonable person with normal sensory sensitivities.
 - b. Negative air pressure will be maintained inside the marihuana establishment at all times.

(h) *Mortuaries and funeral homes.*

- (1) Minimum lot area shall be one acre and the minimum width shall be 150 feet.
- (2) A well designed and landscaped off-street vehicle assembly area shall be provided for funeral processing activity. This area shall be in addition to the required off-street parking area.
- (3) A caretaker's residence may be provided within the principal building. The site shall abut and have access to an arterial street.

(i) *Municipal buildings and utility buildings.*

- (1) All such buildings shall be located at least 50 feet from any dwelling.
- (2) No outdoor storage shall be permitted.
- (3) Refuse containers shall be located in the rear yard and be screened from view by a six-foot high fence or wall or sound construction and painted or otherwise attractively finished.
- (4) All off-street parking areas shall be landscaped and screened from view of adjoining dwellings.

Section 8. Conflict.

- (a) Nothing in this Ordinance is to be construed to conflict with existing City ordinances except as otherwise stated herein.
- (b) Nothing in this Ordinance is to be construed to conflict with the law of the State of Michigan.

Section 9. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

Section 10. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason, such declaration does not void any or render inoperable other part or portion of this Ordinance.

Section 11. Effective Date. This Ordinance is effective upon its publication in the manner required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

 Gerald Hall
 Mayor, City of Cedar Springs

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the City Council for the City of Cedar Springs, Kent County, Michigan, at a meeting of the City Council duly called and held on _____, 2020.

By:

Rebecca Johnson
Clerk, City of Cedar Springs

