

**CITY OF HARTFORD
COUNTY VAN BUREN COUNTY
STATE OF MICHIGAN
PROPOSED AMENDMENT OF ORDINANCE 307-10 & 320-2020**

ORDINANCE NO. 342 -2023

AN ORDINANCE TO AMEND ZONING SECTIONS 151.091, 151.106, 151.122, AND 151.136 TO THE HARTFORD CITY CODE, AND TO ADD A NEW SECTION 151.217, TO REGULATE MARIJUANA BUSINESSES AS PERMITTED LAND USES IN VARIOUS ZONING DISTRICTS

The City of Hartford Ordains:

Section 1. Amendment. Zoning sections 151.091, 151.106, 151.122, and 151.136, of the Hartford City Code are hereby amended as follows:

Sec. 151.091. PERMITTED USES IN THE B-1 DISTRICT.

- (A) Churches, funeral homes, and mortuaries;
- (B) All generally recognized retail businesses which supply commodities on the premises such as, but not limited to, groceries, meats, dairy products, dry goods, other foods, drugs, clothing, notions, hardware, or pharmaceuticals;
- (C) Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to: repair shops for items such as watches, radios, televisions; shoes; tailor shops; beauty parlors; barber shops; interior decorators; photographers; and dry cleaners;
- (D) Restaurants and taverns where the general public are served while seated within a building occupied by the establishment, except drive-in restaurants and open-front stores;
- (E) Theaters, private clubs, lodge halls, and other like places of entertainment when completely enclosed;
- (F) Office and office buildings of an executive, administrative, or professional function;
- (G) Banks, including drive-in facilities incidental to the principal banking function;
- (H) Municipal buildings and post offices;
- (I) Offices and showrooms for tradespeople, such as plumbers, electricians, decorators, and similar trades, except that:
 - (1) Not more than 25% of the floor area in the building is used for the purpose of making, assembling, remodeling, repairing, altering, finishing, or refinishing the products;
 - (2) Ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display; and
 - (3) All storage or materials shall be within the confines of the building situated thereon.
- (J) Business schools, private schools, and other places of instruction for profit;
- (K) Newspaper offices and printing plants;
- (L) Warehouse and storage facilities incidental to and physically connected with any of the foregoing uses;

- (M) Veterinary offices, hospitals, and clinics;
- (N) Dwelling connected with the foregoing uses, provided they do not occupy the ground floor;
- (O) Parking lots and parking structures;
- (P) Accessory structures customarily incident to the above permitted uses;
- (Q) Parks, playgrounds, walking paths, and trails;
- (R) **The following marijuana businesses:**
 - (1) Designated consumption establishments (adult-use);
 - (2) Microbusinesses (adult-use);
 - (3) Provisioning centers (medical);
 - (4) Retailers (adult-use);
 - (5) Safety compliance (medical and adult-use);
 - (6) Secure transporters (medical and adult-use);
- (S) Signs in accordance with the provisions of Section 151.235.

Sec. 151.106. PERMITTED USES IN THE B-2 DISTRICT.

- (A) All permitted uses in the B-1 Central Business District, except marijuana secure transporters;
- (B) Automobile sales and showroom facilities, and farm equipment and implement dealers;
- (C) Bus passenger stations;
- (D) Automobile car wash facilities within closed structures;
- (E) Public utility offices, transformer stations, telephone exchanges, exchange stations, pump stations, service yards, exclusive, however, of outdoor storage facility;
- (F) Retail cold storage facilities;
- (G) Self-service laundry and dry cleaning establishments;
- (H) Bowling alleys;
- (I) Pool halls, billiard parlors, clubs, and similar indoor recreational facilities;
- (J) Closed storage facilities for the storage of materials which are to be sold at retail;
- (K) Other uses which are similar to the above uses;
- (L) Outdoor sales space and facilities for new and used automobiles, farm equipment, mobile homes, house trailers, travel trailers, and like merchandise, provided that:
 - (1) Ingress and egress shall be at least 60 feet from the intersection of any 2 streets; and
 - (2) No major repair or major refinishing shall be done on the site.
- (M) Motels, hotels, and inns, except that:
 - (1) Ingress and egress shall not interfere with adjacent business uses;
 - (2) No kitchen or cooking facilities shall be provided except in a single full-time residential unit of manager or caretaker, unless approval of a special use permit is granted as provided in Section 151.290 et seq.; and
 - (3) Each unit shall contain not less than 200 square feet of floor area.

- (N) Drive-in restaurants, open front stores, and similar facilities, except that:
- (1) Facilities shall be set back at least 60 feet from the street right-of-way of any existing or proposed major thoroughfare; and
 - (2) Ingress and egress shall be located at least 60 feet from the intersection of any 2 streets.
- (O) Commercially used, outdoor recreational space for children's amusement parks, miniature golf course, and similar facilities, except that:
- (1) A children's amusement park shall be fenced on all sides by a fence or wall at least 4 feet in height; and
 - (2) Adequate parking shall be provided for, located off of the road right-of-way, and shall be fenced with a 4-foot by 6-inch wall or fence.
- (P) Parks, playgrounds, walking paths, and trails;
- (Q) The following marijuana businesses:
- (1) Designated consumption establishments (adult-use);
 - (2) Microbusinesses (adult-use);
 - (3) Provisioning centers (medical);
 - (4) Retailers (adult-use);
 - (5) Safety compliance (medical and adult-use);
- (R) Signs in accordance with the provisions of Section 151.235.

Sec. 151.122. PERMITTED USES IN THE LI DISTRICT.

- (A) The manufacturing, compounding, processing, packaging, or treatment of the products as candy, cosmetics, drugs, perfumes, pharmaceuticals, and food products, except the rendering or refining of fats and/or oils;
- (B) The manufacturing, compounding, assembly, or treatment of articles from previously prepared materials, including, but not by way of limitation of, cellophane, canvas, clay, cloth, cork, feathers, felt, fibers, fur, glass, hair, leather, paint, paper, plastics, precious or semi-precious metals and/or stones, shell, rubber, tin, iron, steel, tobacco, wood, and/or yam;
- (C) Petroleum storage facilities, provided that the facility shall not exceed the capacity of 2,500 gallons in any one tank and the facility shall not be within 500 feet from any residentially zoned property. Any petroleum storage tank or facility shall be wholly underground and conform to the requirements of the Michigan Department of Environmental Quality and the State Fire Marshall's Office;
- (D) Machine shops, and printing and book binding facilities;
- (E) Warehousing and wholesale storage and distribution facilities;
- (F) Other similar limited industrial enterprises, provided, however, that the similarity of use shall be determined upon proper application by the City of Hartford Planning Commission;
- (G) Any use customarily incidental to the permitted principal use;
- (H) The foregoing specific and general descriptions shall not be construed to permit the establishment of junkyards, automobile graveyards, automobile dismantling operations or facilities, and like operations;
- (I) Parks, playgrounds, walking paths, and trails;

(J) The following marijuana businesses:

- (1) Designated consumption establishments (adult-use);
- (2) Growers (medical and adult-use) and excess marijuana growers (adult-use);
- (3) Microbusinesses (adult-use);
- (4) Processors (medical and adult-use);
- (5) Provisioning centers (medical);
- (6) Retailers (adult-use);
- (7) Safety compliance (medical and adult-use);
- (8) Secure transporters (medical and adult-use);

(K) Signs in accordance with Section 151.235.

Sec. 151.136. PERMITTED USES IN THE I DISTRICT.

- (A) Facilities and the principal function of which is basic research, design, and pilot experimental product development when conducted within a completely enclosed facility;
- (B) A facility for the manufacturing, compounding, or processing of materials into a finished product within an enclosed building;
- (C) Warehouse and wholesale establishments and trucking facilities;
- (D) Public utilities, including buildings, necessary structures, storage yards, transformer plants, and like uses;
- (E) Water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, freight terminals, telephone exchanges, transformer stations, and substation of similar utility-oriented activities. Municipal uses, such as water treatment plants and reservoirs, and municipal buildings, including outdoor storage therefor;
- (F) Commercial kennels;
- (G) Greenhouses;
- (H) Trade or industrial schools;
- (I) Lumber and planning plants;
- (J) Freestanding non-accessory signs;
- (K) Outdoor storage facilities for things such as building materials, sand, gravel, stone, lumber, contractor equipment, and supplies, provided that same is contained within an obstructing wall or fence on the sides abutting residential or business districts of not less than 5 feet in height. The fence may be a chain linked fence with a heavy green shrubbery with masonry or other suitable material to obstruct the view. Other uses similar to and no more objectionable in character in the above uses;
- (L) Auto engine, body repair, and undercoating shops when completely enclosed;
- (M) Metal plating, buffing, and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances;
- (N) Metal casting foundries, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances to adjacent business or residential areas;
- (O) Printing plants including its ancillary uses, such as the casting of type smelting or typing material;

- (P) Accessory buildings and uses customarily incident to the above permitted uses;
- (Q) Outdoor automotive permanent race tracks are permitted only after a special use has been granted by the Planning Commission. The Planning Commission shall place restrictions on the use and operation of the facility so as to minimize the effects of the surrounding area and the community. The developers must first submit a detailed site plan to the Planning Commission prior to the Planning Commission holding a required public hearing;
- (R) The following marijuana businesses:
 - (1) Designated consumption establishments (adult-use);
 - (2) Growers (medical and adult-use) and excess marijuana growers (adult-use);
 - (3) Microbusinesses (adult-use);
 - (4) Processors (medical and adult-use);
 - (5) Provisioning centers (medical);
 - (6) Retailers (adult-use);
 - (7) Safety compliance (medical and adult-use);
 - (8) Secure transporters (medical and adult-use);
- (S) Signs in accordance with Section 151.235.

Section 2. Addition. A new zoning section 151.217 is added to the Hartford City Code to read as follows:

Sec. 151.217. Marijuana businesses.

- (A) *Definitions*. All terms defined in Title XI of the City Code have the same meaning when used in this section or sections 151.091, 151.106, 151.122, and 151.136.
- (B) *Regulations and Conditions*. Marijuana businesses are permitted in the City's commercial and industrial zoning districts as indicated in Sections 151.091, 151.106, 151.122, and 151.136, subject to site-plan review by the Planning Commission and compliance with the following regulations and conditions:
 - (1) Marijuana businesses must comply with the MMMFLA, the MRTMA, and any applicable rules promulgated under either statute.
 - (2) Marijuana businesses shall not be located within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 or within 500 feet of a house of worship. These spacing limitations shall be computed by measuring a straight line from the nearest property line on the lot used a school or house of worship to the nearest property line of the lot used as a marijuana business. This subsection modifies requirement modifies and supersedes the default spacing limitations provided in Section 9 of the MRTMA.
 - (3) Co-located marijuana businesses and stacked grower licenses may be permitted, subject to the regulations in this section and any applicable rules promulgated by LARA.
 - (4) No marijuana business may operate without first obtaining final authorization for each state operating license from the city clerk pursuant to Title XI of the City Code. Marijuana businesses in existence in the City as of the date of this ordinance shall be deemed to have received final authorization.

- (5) Marijuana businesses (including both the building and surrounding site) shall be sufficiently designed in a manner to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- (6) Applicants must provide a plan for the storage and disposal of marijuana or chemicals associated with marijuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure. At no time should byproducts be deposited into the ground.
- (7) No marijuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marijuana overnight in an outdoor waste bin.
- (8) The outdoor storage of trash or rubbish shall be appropriately screened.
- (9) Signage for marijuana businesses is subject to approval pursuant to the generally applicable procedures and standards provided in this ordinance, with the additional restriction that signs shall not contain images or text designed to appeal to persons under legal age to consume marijuana. By way of example but not of limitation, signs shall not include cartoon characters, images of youthful persons, or slang terminology for marijuana that may be designed to appeal to minors (e.g., “weed” or “kush”).
- (10) The cultivation and processing of marijuana must be conducted in a manner that minimizes adverse impacts on the public sanitary sewer and natural environment.
- (11) Marijuana businesses must control and eliminate odor as follows:
 - (a) The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 - (b) The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the 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. The filter(s) shall be rated for the applicable CFM.
 - (c) The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers’ recommendation to ensure optimal performance.
 - (d) Negative air pressure must be maintained inside the building.
 - (e) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - (f) An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
- (12) For growers and excess marijuana growers:
 - (a) Cultivation must occur within an enclosed building with exterior facades (not including windows) consisting of opaque materials typical of an industrial or commercial building. Windows shall be arranged in such a way that marijuana plants are not visible from the exterior of the building.
 - (b) 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.

- (13) For provisioning centers, retailers, microbusinesses, and designated consumption establishments:
 - (a) Provisioning centers, retailers, microbusinesses, and designated consumption establishments may not be open to customers between the hours of 11:00 p.m. and 9:00 a.m.
 - (b) Provisioning centers, retailers, microbusinesses, and designated consumption establishments may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.
 - (c) The exterior appearance of a provisioning center, retailer, microbusiness or designated consumption establishment must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.
 - (d) The interior of the building must be arranged in a way such that neither marijuana, marijuana-infused products, nor paraphernalia are visible from the exterior of the building.
 - (e) Marijuana retailers and provisioning centers may offer curbside service or remote delivery service to the extent permitted under state law. Any marijuana retailer offering curbside service must indicate on its proposed site plan where curbside customers will park and must adequately mark such parking spaces as being reserved for curbside customers. Drive-through window service is prohibited.
 - (f) Temporary marijuana events must meet the requirements of state law and have a special use event license issued by the Clerk.

Section 3. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This true and complete copy of Ordinance No. _____ was declared adopted at a regular meeting of the Hartford City Commission held on _____, 2023.

, Mayor

, City Clerk

PC Hearing: February 26, 2024
 Introduced First Reading: March 25, 2024
 Second Reading: April 22, 2024
 Adopted: _____, 2023
 Published: _____, 2023
 Effective: _____, 2023