

ORDINANCE NO. 2017 - 002

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code, Chapter 52.

Short Title: CITY OF CLARE – ORDINANCE AMENDMENT

**Chapter 52, Article III, Division 6, Section 52-241, of the Clare City Code is hereby revoked and restated as follows:**

Sec. 52-241. - Purpose; use.

- (a) The I industrial district classification is primarily intended for moderate to heavy industrial uses with some nuisance characteristics. Residential construction is not permitted in the I district.
- (b) Only the following principal uses are permitted in the I district:
  - (1) C-2 district uses, except that no building shall be erected or converted for use as a school, hospital, clinic or dwelling, except such as are integral to operations in connection with such businesses and industries permitted within the I district.
  - (2) Communication towers, except as provided in section 52-117.
  - (3) Fertilizer manufacture.
  - (4) Machinery assembly.
  - (5) Machinery manufacture.
  - (6) Structural steel fabricating shops.
  - (7) Any other building or use not listed in this subsection (b), provided it is a lawful use.
- (c) The following special uses are, when approved, permitted in the Industrial District.
  - (1) The special uses licensed and permitted under Public Act 281 of 2016, being medical marihuana growers, transporters, safety compliance facilities, provisioning centers and processing centers are permitted as a special use in accordance with the specific requirement set forth elsewhere in this ordinance, in particular Section 52-351.

**Chapter 52, Article III, Division 7, Section 52-271, of the Clare City Code is hereby revoked and restated as follows:**

Sec. 52-271. - Boundaries; purpose; uses.

- (a) The district boundaries for the IP industrial park district shall be as identified and stipulated on the adopted zoning map of the city, as amended.
- (b) The IP district classification is primarily intended for wholesale, commercial, light, medium and heavy industrial uses. Residential construction is not permitted in the IP district. The term "light industry" refers to those manufacturing processes that are attractively built and landscaped, and have little negative external influence to impose upon surrounding land uses. The terms "medium industry" and "heavy industry" refer to those that have progressively more negative external effects on surrounding land uses. In addition to the actual manufacturing processes, the transportation system, employee and service vehicle traffic and the total socio-economic and environmental impact of the operation of the plant on surrounding land uses will be used to determine whether or not proposed uses are permitted in the IP district.
- (c) Uses licensed and permitted under Public Act 281 of 2016 being Medical Marijuana Growers, Transporters, Safety Compliance Facilities, Provisioning Centers, and Processing Centers are permitted as a special use in accordance with the specific requirements set forth elsewhere in this ordinance, in particular Section 52-351.
- (d) The following principal uses are prohibited in the IP district:
  - (1) Manufacturing, refining or storage of asphalt, tar, concrete, gas, coke, coal, tar, petroleum products, hazardous chemicals, explosives and/or fertilizer.
  - (2) Forges, foundries and/or metal stamping plants.
  - (3) Tanning and curing of leather and hides.
  - (4) Stockyards, slaughterhouses and rendering plants.
  - (5) Junkyards and auto wrecking.
  - (6) Paper and pulp manufacturing.
  - (7) Processing of radioactive materials.
- (e) Commercial office buildings that have as their primary customer base typical industrial park tenants or have an established business relationship akin to typical industrial park tenants are permitted as a special use in the IP district, when approved. Such special use must be recommended by the Clare Industrial Development Corporation before being considered for approval by the city planning commission.
- (f) No vested rights. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this section or any amendment of this section.

**Chapter 52, Article V, Section 52-351, of the Clare City Code is hereby added as follows:**

Special use regulations related to medical marihuana. Medical marihuana land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the City, require additional specific requirements. Such requirements are listed below and shall be the specific standards and regulations that must be met in addition to any standards imposed elsewhere for approval.

- (1) All medical marijuana licensed activities shall comply at all times with the Medical Marijuana Act, Public Act 281 of 2016 and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- (2) Cultivation shall be conducted so as not to create dust, glare, noise, odors, or light spillage beyond the parcel and shall not be visible from an adjoining public way. Special use permit applications shall address measures contemplated to control all dust, glare, noise, odors, or light spillage. In addition, cultivation shall be conducted so as not to create discharge to the City Waste Water Treatment System that unduly burdens the City. The special use permit application shall address the amount and type of discharge that will be entering the City Waste Water Treatment System and subject to review and approval by the City.
- (3) A medical marijuana facility shall not be located within 1,000 feet of an R-1 or R-2 residential zoning district or within 1,000 feet of any church, state-licensed day care facility, public library, public park, preschool, elementary school, middle school, high school or public recreation facility.
- (4) A medical marijuana facility shall obtain a zoning compliance certificate and if the applicant is not the owner of the parcel, such certificate shall include the property owners' consent to the use of the parcel as a medical marijuana cultivation facility.
- (5) To the extent cultivation occurs outside an enclosed building, the special use permit application shall include and address all security matters, including security fencing, intrusion alarms to the satisfaction of the Planning Commission and City Commission.
- (6) No medical marijuana facility may be established, operated or maintained within 500 feet of any other medical marijuana facility, except as provided below.

- (7) Distance limitations shall be measured in a straight line from the respective parcel or lot line of both the subject parcels and/or parcels zoned R-1 or R-2, or occupied by special uses specified in this subsection (b)(8).
- (8) No person under 18 years will be admitted to the facility without his or her parent or legal guardian.
- (9) Insofar as multiple state licensed facilities are permitted to be operated under the same roof or in the same facility, this ordinance shall be deemed to permit and encourage any combination of multiple state licensed marijuana operations at one location, or on the same property, or in the same building. For the purposes of this ordinance, multiple licensed facilities may operate on one zoning parcel.
- (10) Uses permitted under Public Act 281 of 2016 being medical marihuana growers, secure transport, safety compliance facilities, provisioning centers, and processing centers, shall be subject to a separate license and permit from the City and (a) the fee for the permit shall be as set by the City Commission from time to time, and (b) if at any time the business licensed under this Public Act has the State revoke, suspend or the business otherwise loses its license, it must immediately shut its doors and the City permit will be considered to be null and void, and (c) the permits run annually and expire on the anniversary date of the issuance.

Passed by the City Commission of the CITY OF CLARE on May 15, 2017, at its regular meeting with four commissioners in attendance, four voting aye, zero nay. Adopted by the City Commission of the City of Clare this 15<sup>th</sup> day of 2017, 2017.

Signed: \_Pat Humphrey, Mayor.

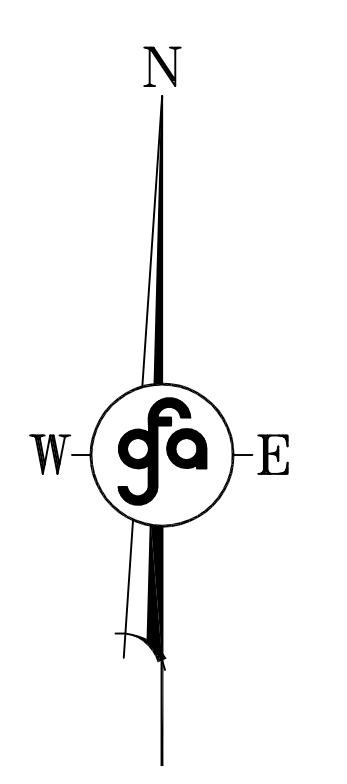
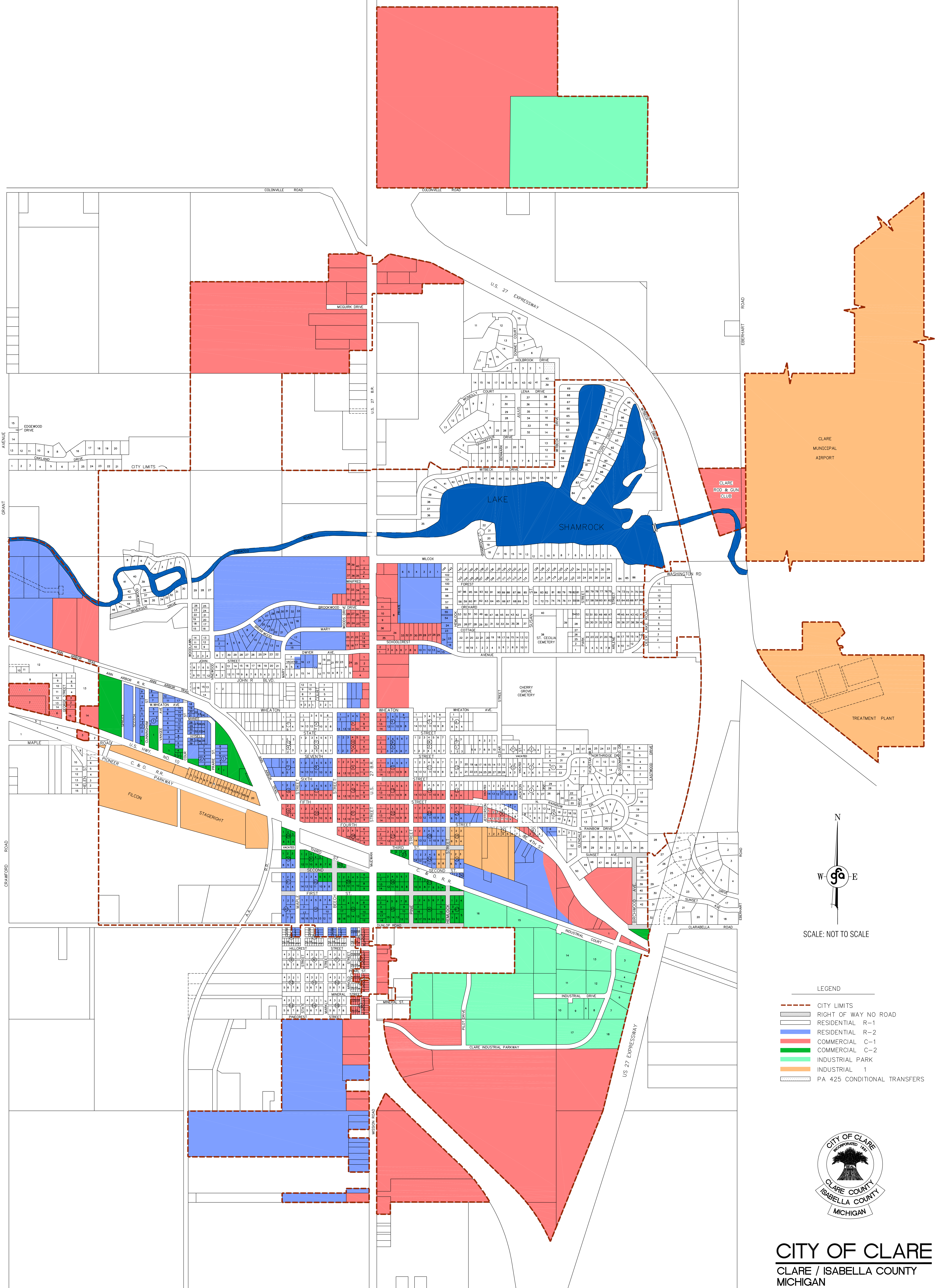
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I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the 15<sup>th</sup> of May, 2017, that of five members of the City Commission, four were in attendance and four voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date

This Ordinance shall take effect thirty (30) days following date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

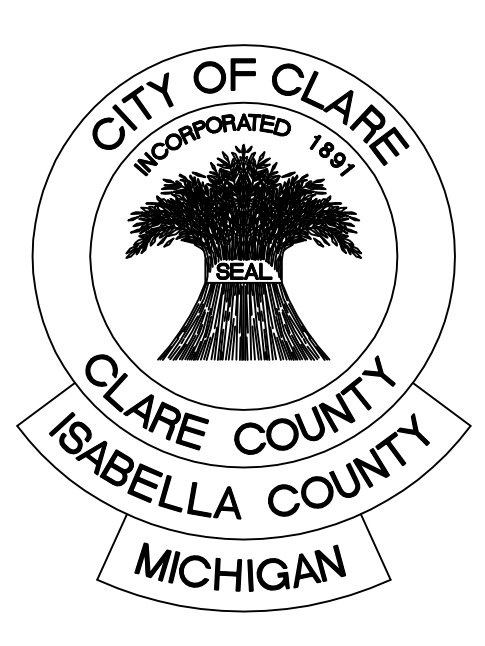
    Diane Lyon      
Diane Lyon, Clerk



SCALE: NOT TO SCALE

LEGEND

- CITY LIMITS
- RIGHT OF WAY NO ROAD
- RESIDENTIAL R-1
- RESIDENTIAL R-2
- COMMERCIAL C-1
- COMMERCIAL C-2
- INDUSTRIAL PARK
- INDUSTRIAL 1
- PA 425 CONDITIONAL TRANSFERS



**CITY OF CLARE**  
CLARE / ISABELLA COUNTY  
MICHIGAN

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