



## CITY OF ALBION PLANNING COMMISSION

### REGULAR MEETING

TUESDAY, MARCH 20, 2018

COUNCIL CHAMBERS

7:00 P.M.

## AGENDA

- I. Call To Order (Reminder: turn off cell phones)
- II. Roll Call of the Commission
- III. Approval of Prior Meeting Minutes –
  - A. February 21, 2018
- IV. Correspondence-Resignation of City Manager Sheryl Mitchell
- V. Public Hearing
  - A. Zoning Ordinance Amendment
- VI. Order of Business
  - A. Approval-Medical Marijuana Zoning Ordinance Amendments
  - B. Zoning Re-Write Sub-Committee Report
  - C. Discussion on Historic Advisory Commission
  - D. Update on Comprehensive Plan
  - E. Update on Redevelopment Ready Community
  - F. Excuse Absent Commissioners
- VII. Public Comments (Persons addressing the Planning Commission shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- VIII. Adjournment

#### PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) The Planning Commission Chair opens the hearing
- 2) Chair summarized the process
- 3) Staff presents report on applicant's request
- 4) Chair reads any correspondence into the record
- 5) Public speaking portion of hearing
  - Individuals in support
  - Opposition speakers
  - Questions & rebuttal (directed through the Chair)
  - Public speaking portion of hearing closed
- 6) Finding of facts
- 7) Board begins deliberations
- 8) Motion is made
- 9) Roll call vote taken

Planning Commission  
February 21, 2018

I. Call to Order

The February 21, 2018 Planning Commission meeting was called to order at 7:00 p.m. by Chairperson Strander and a quorum declared.

II. Roll Call of the Commission

PRESENT: T Pitt, S Ponds, L Reid, G Strand, G Strander, R Valdes.

ABSENT: G Brown and S Kipp

Staff Present: S Mitchell, City Manager, J Domingo, City Clerk and J Tracy, Director Building, Planning & Code Enforcement

III. Approval of Prior Meeting Minutes-  
A. January 17, 2018

T Pitt moved, R Valdes supported, CARRIED, to approve the Prior Planning Commission minutes as presented. (Voice Vote)

IV. Correspondence-None

V. Order of Business

A. 2017 Annual Planning Commission Report

Lauren Freeman, AmeriCorps Vista member gave the Planning Commission an overall description of the 2017 Annual Planning Commission Report which included all legislative actions completed by the Planning Commission and joint meetings held with the Albion City Council.

Chair G Strander stated that the ordinance requires the Planning Commission to complete an annual Planning Commission report for Council approval.

Commissioner T Pitt asked whether an ex-officio member was able to vote.

Chair G Strander stated an ex-officio member is a member by virtue of one's position or status and is able to vote.

Commissioner G Strander asked what the MPEA is.

City Manager Mitchell stated it is the Michigan Planning Enabling Act.

T Pitt moved, G Strand supported, CARRIED, to approve 2017 Annual Planning Commission draft report for submission to Albion City Council for approval. (Voice Vote)

## B. Discussion-Medical Marihuana Zoning Ordinance

City Manager Mitchell stated the Albion City Council approved the 2<sup>nd</sup> reading and adoption of the Medical Marihuana Ordinance. The City has approved 4 of the 5 types of licenses. They are grower facility, safety compliance facility, processor facility and secure transporter. The only change that was made to the ordinance from the first reading was to change the total number of licenses per category to a total of twenty (20) licenses. The Council also has asked for a resolution to adopt a non-refundable \$5,000 fee per license.

Director of Planning, Building & Code Enforcement Tracy gave the following update on the Medical Marihuana Zoning Ordinance:

- Explained the application process along with a flow chart of the various department approvals
- A brief overview of the Medical Marihuana ordinance
- Planning Commission approval should be based on application meeting the guidelines set forth in the ordinance
- A draft application was supplied to the Commission
- For Planning Commission approval, the Commission will be provided with application, department reports, site plan and zoning ordinance. Planning Commission will make determination on whether or not to submit for approval to the Albion City Council.
- There may be changes to the ordinance along the way
- The following is a list of the attached City of Albion Zoning Ordinance sections with proposed amendments.

Medical Marihuana Facilities to be located in B-3, M-1-P, M-2 & M-2-P Districts.

- Amend. Add definition to Chapter 30, Section 30-4. Definitions.
- Amend. Chapter 30. Division 8. B-3 Highway Service Business District for Safety Compliance, Facility, Processor Facility and Secure Transporter as permitted use.
- Amend. Chapter 30. Division 9. Section 30-269 Light Industrial Parks (M-1-P) for Grow Facility, Safety Compliance Facility, Processor Facility and Secure Transporter as permitted use.
- Amend. Chapter 30. Division 10. M-2 Heavy Industrial District for Grow Facility, Safety Compliance Facility, Processor Facility and Secure Transporter as permitted use.
- Most of the changes to the zoning ordinances have already been defined in the Medical Marihuana Ordinance.

- Parking, landscaping, fencing and outdoor storage will all be defined in the zoning ordinance.

Questions/Comments from the Commission are as follows:

- Can the name of the business be placed on the outside of the building? *Signage is covered in the Medical Marijuana Ordinance that states exterior signage or advertising identifying the facility as a Grower Facility shall be prohibited.*
- How many contained areas will pop up in the City and how many eight (8) foot fenced lots with the City end up with? *Most of the interest has been in the growing licenses in the Industrial Park. Based on the zone and the school restrictions, we should not end up with many eight (8) foot fenced lots all over the City.*
- Are there restrictions of opening a church in these zones? *Churches are restricted in an industrial zone.*
- *Most setbacks are covered in the main ordinance although some may be defined in the zoning ordinance.*
- Can the zoning ordinance be changed to allow for a type of fence that allows visibility into the facility instead of a chain link fence?

Comments were received from Commissioners G Strand, L Reid, G Strander, T Pitt and R Valdes and City Manager Mitchell.

The consensus of the Planning Commission is to change the fencing requirement to an eight (8') fence that allows for visibility into the facility.

T Pitt moved, R Valdes supported, CARRIED, to amend zoning ordinance to require an eight (8') foot fence that allows for visibility into the facility and to set the public hearing for the March 20, 2018 Planning Commission meeting. (Voice Vote)

#### C. Zoning Re-Write Sub-Committee Report

Director of Planning, Building & Code Enforcement Tracy stated the sub-committee worked on two articles. The first being small and the second was definitions. The bulk of the meeting was spent on adding and changing definitions. The next meeting will be held on Thursday, March 15<sup>th</sup> and will be approximately two (2) hours. They will be working on two (2) chapters and will start working on the zoning ordinance.

#### D. Excuse Absent Commissioners

S Ponds moved, L Reid supported, CARRIED, to excuse Commissioners G Brown and S Kipp. (Voice Vote)

#### VI. Public Comments

No public comments were received.

Commission comments were as follows:

Commissioner R Valdes asked for additional information on the Local Historic District Committee.

City Manager Mitchell stated the Council approved the creation of the Local Historic District Committee and the Mayor asked that interest parties follow the Boards & Commissions procedures. Only one application was received for the committee. City Manager Mitchell stated under the Michigan Planning Enabling Act, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

Chair Strand asked for a discussion item on the next Planning Commission agenda for a discussion on creating an advisory committee for the Local Historic District.

Chair Strand asked about the status of appointments to the open seats on the Planning Commission.

City Manager Mitchell stated an agenda item for appointment to the Planning Commission was on the February 20, 2018 Council agenda but the agenda item was postponed. The Michigan Planning Enabling Act states "*A member shall hold office until his or her successor is appointed*", therefore until an appointment is made, Commissioner G Strand will maintain his seat on the Planning Commission.

## VII. Adjournment

T Pitt moved, S Ponds supported, CARRIED, to adjourn the meeting.

Meeting adjourned at 7:45 p.m.

Recorded By: Jill Domingo, City Clerk

**From:** Sheryl Mitchell  
**Sent:** Friday, March 9, 2018 5:04 PM  
**To:** Andy French; cullen@harknesslawpllc.com; Garrett Brown; Jeanette Spicer; Lenn Reid; Marcola Lawler; Maurice Barnes; Sonya Brown  
**Cc:** Jill Domingo; Stacey Levin  
**Subject:** Letter of Resignation

Mayor and Council,

It has been my privilege to serve the citizens of the City of Albion as City Manager since 2014. Today's announcement by Gov. Snyder about the participation in the Project Rising Tide further demonstrates that the City has accomplished many good things for our residents and there are many completed or in-progress projects and improvements that will serve the community for decades into the future.

I am extremely proud and honored to have had a leadership role in the "Team Albion" spirit of cooperative partnerships between our City staff, management, community partners and elected leaders.

It is now time for me to move on in my journey, and as such, I am providing this letter as my notice of resignation as City Manager, effective March 31, 2018. It is my commitment to work with you and your entire management team to plan for a smooth transition of projects, initiatives, and responsibilities prior to my departure.

Knowing this decision will impact the organization, I earnestly encourage you to rely on the members of the management team to help lead the way forward. Each member of the team is a true professional, subject-expert and leader in the organization and community.

I wish you and the city much success into the future.

Kind regards,

**Sheryl L. Mitchell, DBA, MSA**

Albion City Manager  
112 West Cass Street  
Albion, MI 49224

[smitchell@cityofalbionmi.gov](mailto:smitchell@cityofalbionmi.gov)

517.629.7172 (office)

517.629.4168 (fax)



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**NOTICE OF PUBLIC HEARING BEFORE  
THE ALBION CITY PLANNING COMMISSION**

Tuesday, March 20, 2018 at 7:00 p.m.  
City Hall – Council Chambers – Second Floor  
William L. Reiger Municipal Building  
112 West Cass Street, Albion, Michigan

PLEASE TAKE NOTICE that the City of Albion Planning Commission will meet as noticed above to consider the following amendments to the Code of Ordinance, City of Albion:

CHAPTER 30 OF THE CITY OF ALBION ZONING ORDINANCE

Chapter 30, Section 30-04. Definitions.

*Medical Marihuana Facilities:* State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

- a) *Grower Facility:* A commercial entity that cultivated, dries, trims or cures and packages Marihuana for sale to a Processor or Provisioning Center.
- b) *Processor Facility:* A commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.
- c) *Safety Compliance Facility:* A commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.
- d) *Secure Transporter:* A commercial entity that store Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.

Chapter 30, Division 8, B-3 Highway service district, Section 30-243. Permitted uses.

I. State Licensed Medical Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

- 1. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
- 2. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purposed, including metal, vinyl or wood.

3. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood.

Chapter 30, Division 9, Section 30-269. Light industrial parks (M-1-P).

Sec. 30-269.1 Permitted Use. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
2. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising of a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet or real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood.
3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood.

Renumber Sec. 30-269 to Sec. 30-269.2

Chapter 30, Division 10, M-2 Heavy industrial District, Section 30-283 Permitted uses.  
Change existing letting ff. to gg.

ff. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.

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3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood.
4. Lot area, setback and structure height:
  - i. No minimum lot area required.
  - ii. Front yard setback shall be no less than thirty (30) feet.
  - iii. Side yard setback shall be no less than twenty (20) feet.
  - iv. Rear yard setback shall be no less than thirty (30) feet.
  - v. Structure height shall not exceed three (3) stories or fifty (50) feet.

Section 30-285. Heavy industrial parks—M-2 (P).

Heavy industrial parks shall permit all uses allowed in light industrial districts, light industrial parks and heavy industrial districts, and shall conform to all the requirements of Section 30-269.2 of this Code.

**All concerned citizens** are encouraged to be present at this meeting to express their opinions on this matter, as public input is an important element in the Commission deliberations. Furthermore, a Commission decision on this matter is likely at the meeting.

To comply with the **Americans Disabilities Act (ADA)**, any citizen requesting accommodations to attend this meeting/function, and/or obtain this notice in alternate format, please contact the Planning Department at (517) 629-7189 at least five business days prior to the meeting/function.

Copies of the proposed amendments are available in City Hall Monday through Friday from 8 a.m. – 5 p.m. Written comments or suggestions regarding this matter are also welcome and should be provided to the Planning Department by no later than 5:00 p.m. on Tuesday, March 20, 2018.

Respectfully Submitted,  
John Tracy  
Director of Planning, Building, Code Enforcement

**Definition to add to Chapter 30, Section 30-04. Definitions.**

*Medical Marihuana Facilities:* State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

- a) *Grower Facility:* A commercial entity that cultivated, dries, trims or cures and packages Marihuana for sale to a Processor or Provisioning Center.
- b) *Processor Facility:* A commercial entity that purchases Marihuana from a Grower and that extracts resin from the Marihuana or creates a Marihuana-infused product for sale and transfer in packaged form to a Provisioning Center.
- c) *Safety Compliance Facility:* A commercial entity that receives Marihuana from a Medical Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the Marihuana to the Medical Marihuana Facility.
- d) *Secure Transporter:* A commercial entity that store Marihuana and transports Marihuana between Medical Marihuana Facilities for a fee.

## **DIVISION 8. B-3 HIGHWAY SERVICE BUSINESS DISTRICT**

### **Section 30-241. Scope.**

The provisions of this division shall apply to the B-3 highway service district.

### **Section 30-242. Generally.**

This district is intended to provide for retail business and services in areas which abut federal and state highways, and major arterial streets designated as such on the "street plan" of the City of Albion of current adoption.

(Code 1980, § 20.13-1)

### **Section 30-243. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following conditional uses:

(1) *Uses by right* The following uses may be operated as uses by right:

- a. Motels, restaurants, drive-in establishments, serving food and beverages, souvenir stands, and uses of a similar nature.
- b. Offices and banks.
- c. Store and shops for the conducting of any retail business.
- d. Personal service shops.
- e. Offices and shops of crafts or trades which do not involve:
  1. The outdoor storage of materials or supplies.
  2. Shop power in excess of ten (10) horsepower.
- f. Commercial recreation facilities.
- g. Any other retail business, service establishment, or use similar to the above.
- h. Accessory uses and buildings.

- i. Dance hall, including discos and similar uses where the primary activity is dancing and where non-alcoholic and/or alcoholic beverages and snacks are served; provided:
  - 1. That dance halls serving non-alcoholic beverages be limited to the same hours of operation as establishments which are permitted to serve alcoholic beverages.
  - 2. That the maximum number of people permitted in a dance hall at any one time be restricted according to the usage square foot area of the building and based on "floor area in square feet per occupant" requirements of the BOCA Code as adopted by reference by the City of Albion.
  - 3. That all other related building, fire and safety code requirements be met.
- j. Wholesale business, provided that the business or buildings connected with this business have an area of no more than twenty thousand (20,000) square feet.
- k. Mechanical amusement arcades, provided that any such establishment shall comply with Chapter 3 of the Code of Ordinances.

DRAFT

Add as permitted use.

- l. State Licensed Medical Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.
  - 1. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
  - 2. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a public park. Any Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.
  - 3. No Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque

fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.

(A) *Permitted uses with conditions* {Ordinance #99-17, 1/15/2000.}

#### Churches

##### Site Development.

##### Landscaping and Screening:

Abutting side lot lines shall consist of an undulating berm or solid fence or screening. The berm shall be at a ratio of 3:1; (vertical rise over horizontal run)

Vegetation shall consist of tree and shrub plantings to correspond to the peaks and valleys in the berm. (Trees within the valleys and shrubs along the peaks)

*Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Automobile service station and/or public garage, provided that:
  1. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. (Whenever, in the judgment of the board, the operation of such business would tend to impede or congest traffic, or create an undue hazard or danger to pedestrians and other traffic in the street, a permit may be denied.)
  2. Building used for such purposes shall not be nearer than fifty (50) feet from and R district.
  3. Any minor automobile repair work as defined in this chapter, shall be done within the principal building on the premises.
  4. No overnight or weekend outside storage of trucks, trailers, and/or tractors shall be permitted on the premises and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises, except within an area enclosed by a solid wall or fence or shrubbery hedge designed to conceal such vehicles from public

view.

5. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall, or painted board fence, not less than five (5) feet in height, shall be maintained at the property line.
- b. Automobile, truck and trailer display, hire, sales, wash and repair, provided all operations other than display and sales, shall be conducted within a completely enclosed building. Buildings used for repair and washing operations, if less than fifty (50) feet from any R district, shall have no openings adjoining said R district other than stationary windows or required fire exists.
- c. Roadside markets.
- d. Wholesale business whose building or buildings occupy more than twenty thousand (20,000) square feet provided that the applicant provide a site plan and other information demonstrating that, in terms of bulk, architectural design, parking and loading arrangements, and impact on traffic and public utilities, the proposed wholesale use is compatible with surrounding uses.

*Accessory uses and buildings.*

- a. Any accessory use or building may be operated or constructed if it is clearly incidental and customary to and commonly associated with the operation of the use by right.
- b. Business sign which pertains only to a permitted use on the premises.
- c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.13-2; Ord. No. 1984-2, § 2, 6-18-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-244. Height of structures.**

No use by right or accessory use structure shall exceed two (2) stories or twenty-five (25) feet in height.

(Code 1980, § 20.13-3)

**Section 30-245. Lot area and yard requirements.**

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area shall be required for use by right or accessory use structures.
- (2) *Front yard.* Every lot shall be provided with a front yard not less than twenty-five (25) feet in depth, and buildings constructed at a street corner shall have the minimum setback from each street line.
- (3) *Side yard widths (each side yard).* None required, except adjoining any R district or abutting a street, then not less than fifteen (15) feet in width.
- (4) *Rear yard.* Every lot shall be provided with a rear yard not less than ten (10) feet in depth, provided, however, when such lot abuts any R district, it shall have a rear yard not less than fifteen (15) feet in depth.

(Code 1980, § 20.13-4)

**Section 30-246. Signs.**

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-5)

**Section 30-247. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-6)

**Section 30-248. Off-street loading requirements.**

The provisions of [Article V, Division 3](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-7)

**Section 30-249. Reserved.**

## **DIVISION 9. M-1 LIGHT INDUSTRIAL DISTRICT**

### **Section 30-261. Scope.**

The provisions of this division shall apply to the M-1 light industrial district.

### **Section 30-262. Generally.**

This district is composed of certain land so situated as to be suitable for light industrial development, but where the modes of operations of the industry may directly affect nearby nonindustrial development. The regulations are so designed as to permit the normal operations of almost all light industries, subject only to those needed for their mutual protection and the equitable preservation of nearby nonindustrial uses of land.

(Code 1980, § 20.14-1)

### **Section 30-263. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses by right and lawful accessory uses thereto:

#### *(1) Uses by right*

- a. Manufacturing, processing and/or fabrication. Any of the following uses, provided that any building used for such purposes shall be located not less than one hundred (100) feet from any R district:
  1. Automotive and aircraft parts (not including tires).
  2. Automotive assembling and including major repair.
  3. Bag, rug and carpet cleaning.
  4. Bakery, large, wholesale, and chain types.
  5. Bottling plant, brewery, dairy products plant.
  6. Candy, potato chips, flavoring, extracts.
  7. Cleaning or dyeing plants and laundries.
  8. Cold storage plant.
  9. Electric foundry or foundry for nonferrous metals.

10. Electric equipment and motor assembly.
  11. Experimental laboratory.
  12. Flexible hose, lines, fittings--Basic manufacture.
  13. Garage maintenance tools and equipment.
  14. Garment making--Apparel and accessories.
  15. Heating and air conditioning equipment.
  16. Mattress making and box springs.
  17. Metalworking, provided that the operations produce no more noise or vibrations at the boundary of the M-1 light industrial district than is produced at the point from other causes.
  18. Paper products fabrication.
  19. Parks.
  20. Pharmaceuticals, cosmetics and toiletries.
  21. Plating of metals.
  22. Professional and scientific instruments.
  23. Surgical supports and hospital equipment.
  24. Tool and die shops--Screw machine products.
  25. Tube fabrication--Bending and welding.
  26. Wire fabricators.
  27. Wood products assembly.
  28. Any other light manufacturing, processing, and/or fabrication but not including any uses specifically listed as heavy industry.
  29. Glass insulation and related products.
- b. Sale at wholesale and retail, warehousing and storage; and repair, rental and servicing.

The sale, warehousing, storage, repair, rental, and servicing of any of the uses enumerated in paragraph (1), provided any building or premises used for such purposes shall be located not less than seventy-five (75) feet from any R district.

Additional uses permitted are:

1. Billboards, subject to [Article V, Division 4](#) of this chapter.
2. Contractors' yards for vehicles, equipment, materials and/or supplies, but not including asphalt and cement mixing, provided that such yards shall be not less than two hundred (200) feet from any R district.
3. Gasoline service station, provided buildings used for such purposes shall not be nearer than fifty (50) feet from any R district.
4. Landing field for aircraft or rotocraft, provided any hangar or servicing facilities shall not be less than five hundred (500) feet from any R district.
5. Office and/or meeting halls, provided buildings used for such purposes shall not be nearer than twenty (20) feet from any R district. Also, motels, subject to the same regulations.
6. Parking and/or storage yards for motor vehicles (no junked vehicles) and not including transport equipment, providing such yards shall be not less than two hundred (200) feet from any R district.
7. Restaurants, including but not limited to drive-in establishments, providing buildings used for such purposes shall not be nearer than twenty (20) feet from any R district and subject to the number of off-street parking spaces required pursuant to sections 30-311 through 30-315 of this Code.
8. Sewage disposal plant.
9. Storage of liquid petroleum gas, five hundred (500) gallons or over if stored above ground, shall be no closer to any boundary line of the premises on which storage is maintained than fifty (50) feet.
10. Storage of flammable liquids, three thousand (3,000) gallons or over, if stored above ground, shall be no closer to any boundary line of the premises on which storage is maintained than one hundred (100) feet.
11. Trucking freight terminal yards, provided such buildings and premises shall be not less than two hundred (200) feet from any R district.

(2) *Accessory uses:*

- a. Is clearly incidental and customary to and commonly associated with the operations of the use by right.
- b. Does not include dwellings except for caretakers or watchmen.
- c. Exterior signs which pertain only to a permitted use on the premises.
- d. Mechanical amusement devices and/or arcades, provided that all requirements of chapter 3 of the Code of Ordinances have been met.

(3) *Reserved.*

(4) *Special uses requiring authorization by the planning commission:* The following uses may be operated with a special use permit, upon approval by the planning commission and issuance by the zoning administrator pursuant to sections 30-81 through 30-85 of chapter 30, the zoning ordinance.

- a. Incinerators for the burning of solid waste, provided that:
  1. Such facilities simultaneously generate energy in a usable manner in the form of steam and/or electricity, and;
  2. Such facilities comply with all ordinances and regulations of the City of Albion, County of Calhoun, State of Michigan and United States of America.
- b. Foundry for ferrous metals; provided, that:
  1. All production processes are conducted within an enclosed building;
  2. All raw materials storage is within an area enclosed by a roof and at least two (2) sides;
  3. All operations are screened from each side and/or rear lot lines with a solid earthberm;
  4. Such facilities comply with all ordinances and regulations of the City of Albion, County of Calhoun, State of Michigan and the United States of America; and
  5. Before commencement of construction of such facility copies of necessary pollution control permit applications, and after issuance, copies of pollution control permits, shall be submitted to the zoning administrator who shall retain them on file.

(Code 1980, § 20.14-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1986-1, § 2, 1-20-86; Ord. No. 1986-2, § 2, 3-3-86; Ord. No. 1987-8, § 2, 10-5-87; Ord. No. 1988-8, § 2.9-6-88)

**Section 30-264. Height of structures.**

The following minimum requirements shall be observed: No use by right or accessory use structure hereafter erected or structurally altered shall exceed three (3) stories or fifty (50) feet in height within three hundred (300) feet of any R district.

(Code 1980, § 20.14-3)

**Section 30-265. Lot area and yard requirements.**

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area required.
- (2) *Front yard.* Every front yard shall be no less than thirty (30) feet deep.
- (3) *Side yard.* None required, except adjoining an R district or abutting a street, then the required distance from R district as stated in sections 20.14-2(A) and 20.14-2(B).  
When abutting a street, across from any other district, then not less than ten (10) feet in width.
- (4) *Rear yard.* The depth of a rear yard shall be thirty (30) feet, provided, however, the required distance from an R district when stated in section 30-263, paragraphs (1) and (2) of this Code shall take precedent over the above stated rear yard depth.

(Code 1980, § 20.14-4)

**Section 30-266. Permitted signs.**

The provisions of [Article V, Division 4](#) of this chapter, shall be in full force and effect in this district, provided, however, that no sign or billboard constituting a nuisance and producing glare in an adjacent residential district or considered hazardous to traffic safety shall be erected or continued in operation.

(Code 1980, § 20.14-5)

**Section 30-267. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.14-6)

**Section 30-268. Off-street loading requirements.**

The provisions of section 30.16-5 shall be in full force and effect in this district.

(Code 1980, § 20.14-7)

**Section 30-269. Light industrial parks (M-1-P).**

Add as permitted use

**Sec. 30-269.1 Permitted Use.** State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.
2. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.
3. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.

~~Section 30-269~~ **30-269.2** Light industrial parks shall conform to all the requirements of the light industrial district and shall meet the following additional requirements:

Change 30-269 to 30-269.2

- (1) Minimum lot size, one-half acre;
- (2) Minimum front yard, fifty (50) feet;
- (3) Minimum side yard, twenty (20) feet;
- (4) Minimum rear yard, seventy-five (75) feet.

(Code 1980, § 20.14-8)

## **DIVISION 10. M-2 HEAVY INDUSTRIAL DISTRICT**

### **Section 30-281. Scope.**

The provisions of this division shall apply to the M-2 heavy industrial district.

### **Section 30-282. Generally.**

This district is composed of certain land so situated as to be suitable for industrial development, but where the modes of operation of the industry may directly affect nearby nonindustrial development. The regulations are so designed as to permit the normal operations of almost all industries, subject only to those needed for their mutual protection and the equitable preservation of nearby nonindustrial uses of land.

(Code 1980, § 20.15-1)

### **Section 30-283. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following conditional uses:

- (1) *Manufacturing (basic, processing, and/or fabrication)*. Any of the following uses, provided that any building or premise used for such purpose shall be located not less than three hundred (300) feet from any R district:
  - a. Any use permitted in Section 14--Light industry.
  - b. Abrasives, acid, alcohol, ammonia and asbestos.
  - c. Bone black, carbon black and lamp black.
  - d. Brick, clay, tile, manufacture.
  - e. Canning and preserving plants.
  - f. Charcoal and coke, basic manufacturing.
  - g. Chemicals, manufacture or processing.
  - h. Cinder block fabrication.
  - i. Creosote treatment.
  - j. Detergents, soaps and by-products.

- k. Forge plant, foundries.
- l. Fungicides and insecticides.
- m. Galvanizing and anodizing processes.
- n. Gases, manufacture.
- o. Glue, size or gelatin, manufacture.
- p. Grain milling and mixing.
- q. Graphite manufacture.
- r. Insulation, manufacture, or fabrication.
- s. Meat slaughtering or packing.
- t. Metals, ingots, castings, sheets, bars or rods.
- u. Oils and fats, animal or vegetable, manufacture.
- v. Paints, pigments, enamels, japans, laquer, varnishes and wood fillers.
- w. Paper, pulp and cellulose.
- x. Paraffin wax and wax products.
- y. Petroleum and petroleum products, refining and processing (buildings and/or plant to be located not less than one hundred fifty (150) feet from boundary line of lot).
- z. Plastics, basic manufacture.
- aa. Rubber and rubber products, manufacture.
- bb. Sauerkraut, vinegar and yeast manufacture.
- cc. Sawmill or planing mill.
- dd. Serums, toxins, viruses, manufacture.
- ee. Sound deadeners, caulking, mastic and undercoating manufacture.

# DRAFT

Add as permitted use.

ff. State Licensed Medical Marihuana Grower Facility, Safety Compliance Facility, Processor Facility and Secure Transporter with an approved Medical Marihuana Facilities license pursuant to Chapter 22, Article V of the City Code of Ordinance.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within five hundred (500) feet of real property comprising a public or private elementary, licensed child care facility, vocational or secondary school.

1. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a public park. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a public park shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.

2. No Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter shall be located within two hundred fifty (250) feet of real property comprising a place of religious worship. Any Grower Facility, Safety Compliance Facility, Processor Facility or Secure Transporter located more than two hundred fifty (250) feet but less than five hundred (500) feet of real property comprising a place of religious worship shall have perimeter surrounded by an eight (8) foot fence. Fence shall not consist of over 40% opaque fence material. Fence material utilized shall be in the form of traditional fencing sold for retail purpose, including metal, vinyl or wood.

2. Lot area, setback and structure height:

- i. No minimum lot area required.
- ii. Front yard setback shall be no less than thirty (30) feet.
- iii. Side yard setback shall be no less than twenty (20) feet.
- iv. Rear yard setback shall be no less than thirty (30) feet.
- v. Structure height shall not exceed three (3) stories or fifty (50) feet.

Change existing ff. to gg.

gg. Any other basic manufacturing, processing and/or fabrication, but not including any uses specifically listed in paragraph (2) below and/or those prohibited by any other law or ordinance.

(2) *Special uses requiring planning commission authorization.* The following special

uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Alkali plants manufacture.
- b. Asphalt plants.
- c. Automobile wrecking and salvage yards.
- d. Bulk storage of explosives.
- e. Building materials salvage yard.
- f. Cement manufacture and concrete mixing operations.
- g. Fertilizer manufacture.
- h. Gravel and rock crushing operations.
- i. Gypsum and other forms of plaster base manufacture.
- j. Incinerators or reduction of garbage.
- k. Junkyard.
- l. Sanitary landfill and/or dumps.
- m. Stock yards, livestock auction yard.
- n. Any other use not prohibited by any other law or ordinance.

Every building or premises used for such purposes shall be located not less than five hundred (500) feet from any R or B district.

Every building or premises used for such purposes shall be located not less than one hundred (100) feet from any enumerated uses in Section 30-263, clauses (1)a and (1)b. The board may prescribe such additional limitations as are in its opinion necessary to secure the objectives of this chapter.

(3) *Accessory uses*, which are clearly incidental and customary to and commonly associated with the operation of the uses by right.

- a. *Reserved.*
- b. *Reserved.*

- c. Mechanical amusement devices and/or arcades, provided that all requirements of Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.15-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-284. Other requirements.**

Section 20.14 shall be applicable to the heavy industrial district.

(Code 1980, § 20.15-3)

**Section 30-285. Heavy industrial parks--M-2 (P).**

Heavy industrial parks shall permit all uses allowed in light industrial districts, light industrial parks and heavy industrial districts, and shall conform to all the requirements of Section ~~30-269~~ **30-269.2** of this Code.

Change  
30-269  
to  
30-269.2

(Code 1980, § 20.15-4)

**Sections 30-286--30-289. Reserved.**