

**VILLAGE OF SPARTA
PLANNING COMMISSION
Regular Meeting
August 7, 2023 @ 7:00 PM
75 N. Union St. (Sparta Civic Center)**

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) MINUTES
 - a. *Approve Regular Planning Commission Meeting Minutes of June 5, 2023*
- 4) ADDITIONS OR CORRECTIONS TO THE AGENDA – APPROVAL OF AGENDA
- 5) PUBLIC COMMENT ON AGENDA ITEMS
- 6) COMMUNICATIONS –
- 7) PUBLIC HEARING –
 - a. Marijuana Ordinances 23-07, 23-08, 23-09
- 8) NEW BUSINESS –
 - a. Site Plan Review -Tesa Tape
 - b. Res 23-01 Marijuana Ordinance Recommendations
 - c. Draft Master Plan Review
- 9) UNFINISHED BUSINESS –
 - a. None.
- 10) PUBLIC COMMENT
- 11) VILLAGE MANAGER REPORT
- 12) COMMISSION COMMENT
- 13) ADJOURNMENT

**VILLAGE OF SPARTA
PLANNING COMMISSION**

Regular Meeting

June 5 2023 @ 7pm

75 N. Union St. (Sparta Civic Center)

Present: Chairman Bob Liscomb, Commission members Jon Braybrook, Robert Carlstrom, Emilie Henry, Rose Frederick, Gary Moody, Ryan Wolford, and Robert Whalen.

Also present: Village Manager Jim Lower and Village Clerk Katy Shelton.

1. **Call to Order:** The meeting was called to order at 7:00pm. The Pledge of Allegiance was recited.
2. **Roll Call:** Formal roll call was taken. Those in attendance/absent are noted above.
3. **Minutes:** Approve Regular Planning Commission minutes of May 1, 2023. Motion by Moody with a second by Frederick to approve. Motion passed unanimously.
4. **Additions or Corrections to the agenda – Approval of agenda:** No additions or corrections. Motion by Whalen with a second by Moody to approve. Motion passed unanimously.
5. **Public Comment on Agenda Items:** None.
6. **Communications:**
 - a. **Rogue River Flats Site Plan Update:** This project is on hold for now. Their current site plan approval will expire this

month. The developers will start over when they are ready to start work on the project again. :

- b. **Housing Next Presentation by Brook Oosterman:** He gave an extensive presentation explaining Housing Next and their history. He also discussed the housing needs in Kent County as well as the goals of Housing Next. He mentioned that the complete 200 page Housing Needs Assessment could be accessed at www.housingnext.org.

7. **Public Hearing:** None.

8. **New business:**

- a. **Site Plan Review – 275 Hickory – Baker Investment Properties LLC:** The proposed site plan involves the construction of a new and expanded building to replace the one that was destroyed by fire. It will include office space, parking, and loading bays. The plan will relocate the storm water lateral that was located under the prior building. The building will be used to house Great Lakes Firearms and Ammunition once completed. This is a 26,000 square foot industrial facility with 34 parking spaces.

Roosien & Associates was hired by Baker Investments to put together a site plan and shepherd it through the Village processes. The Village engineering firm Prein & Newhof has reviewed the plans and discovered one issue: that of impervious areas and storm water storage. Village staff recommends approval of the site plan contingent upon an agreement being reached regarding that issue.

Matt Cole from Roosien & Associates was present to explain the project and answer any questions. It was noted that the

storm water lateral will be fixed which is a plus for the Village.

The lack of a fire suppression system at the facility was questioned. It was stated that that is a very expensive item and is not required. Commissioner Whalen expressed that he believes that those systems SHOULD be required in all new construction.

Motion by Moody with a second by Frederick to approve the site plan contingent upon an agreement being reached regarding impervious areas and storm water storage. Motion passed unanimously.

- b. **Master Plan Update:** Danielle Bouchard from Mckenna Associates was present to give an update. She said they had had an “Open House” on May 22, 2023 to get input from the public. Next steps will be a land use draft, a joint planning areas draft, and a parks and recreation plan She expects to get a full draft of the Master Plan to Village staff for review by the end of June. Once the Planning Commission approves it, the Plan will be sent to the Village for a 63 day comment period so that all entities can weigh in. She anticipates a final vote on the Plan possibly happening in November.

She also reviewed the results of a recent survey which registered 290 responses which is 7% of the Village population. The survey queried respondents about what things do they most like about the Village, what things they would change, most preferred housing type, and what things they would like more of. There was also a recent business

leaders workshop with the DDA Director asking about their needs.

- c. **Draft Marijuana Ordinance Discussion:** The Village Manager explained that the Planning Commission had asked him to draft a Marijuana Ordinance for review. He has submitted that draft to the Planning Commission. He said that implementing the policies discussed by the Commission would require the adoption of two ordinances and one resolution by the Village Council. The first ordinance would create Sparta's Marijuana Establishments Ordinance and the policies and procedures contained within it. The ordinance would also repeal prior ordinances banning these establishments. The second ordinance would amend Sparta's zoning ordinance to include Marijuana Establishments as a non-residential special use, allowed in the CG and LI districts. Finally, a resolution setting the dollar amount of the application, renewal, and licensing fees will need to be created, which is a Village Council matter.

The Village Manager said that after the Planning Commission reviews his draft ordinances, he will submit it to Village legal counsel (the law firm of Mika Meyer) for review. He noted that the application will contain a waiver of certain conditions under which someone can sue the Village regarding our marijuana establishment ordinances.

Commissioner Whalen stated that he thought the Village Manager should have whichever law firm he felt was most appropriate review the draft ordinances and not necessarily rely upon the Village's legal counsel. He felt that having it reviewed by more than one law firm might be a wise strategy depending upon cost.

Each Commission member was surveyed and each commission member indicated that he/she was in favor of the Village Manager going forward with this project.

9. **Unfinished business:** None.

10. **Public Comment:** None.

11. **Village Manager's Report:** Christina Owens has been appointed to the vacant Planning Commission position. She will be in attendance at the next Planning Commission meeting which will be in August due to the July 4th holiday.

Manager Lower was asked about the timing regarding when the Village mows a lawn if the homeowner is not in compliance with the Village ordinances. He said there is not an actual time period. He said that in actuality a homeowner needs to be cited several times by the Code Enforcement Officer, and that he himself has to sign off on the Village going ahead to mow the lawn. It was noted that the Village's ordinance regarding lawn mowing was fairly vague.

12. **Commission comment:** None.

13. **Adjournment:** The meeting was adjourned by Chairman Liscomb at 8:30pm.

Submitted by Katy Shelton, Village Clerk.

MEMO
Staff Communication

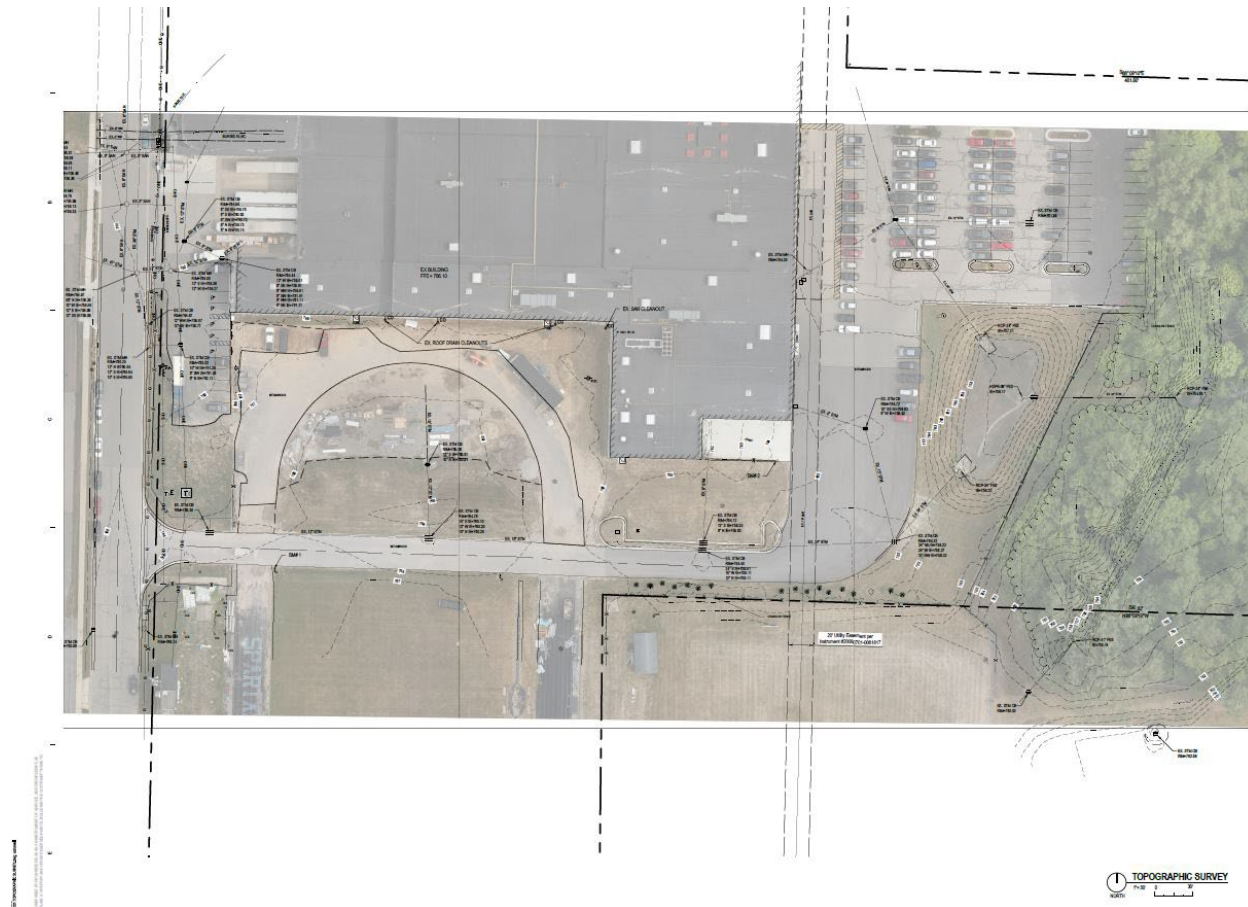
DATE: August 7, 2023
TO: Planning Commission Chair and Planning Commission Members
FROM: James A. Lower, Village Manager
RE: Site Plan Review Report – Tesa Tape 324 South Union

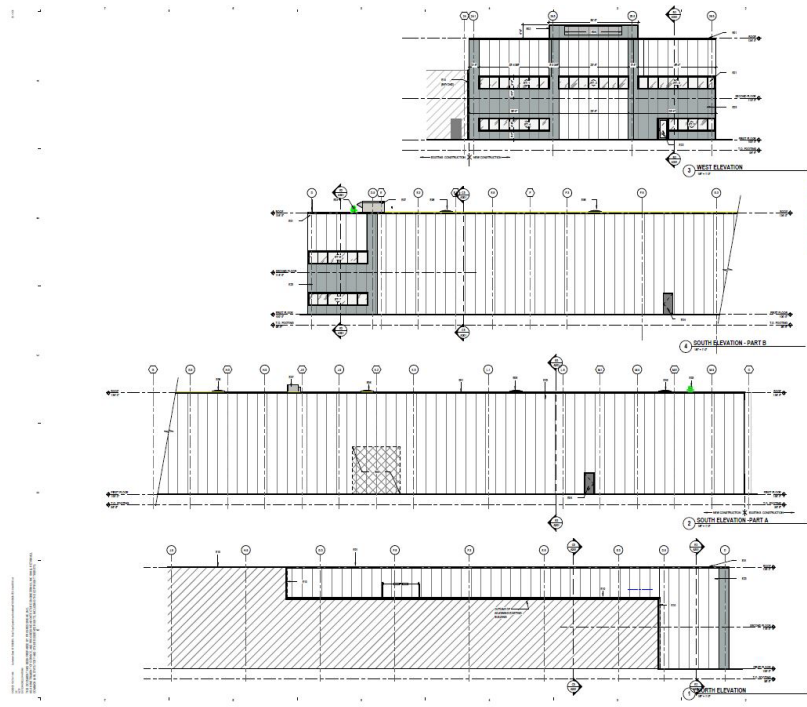
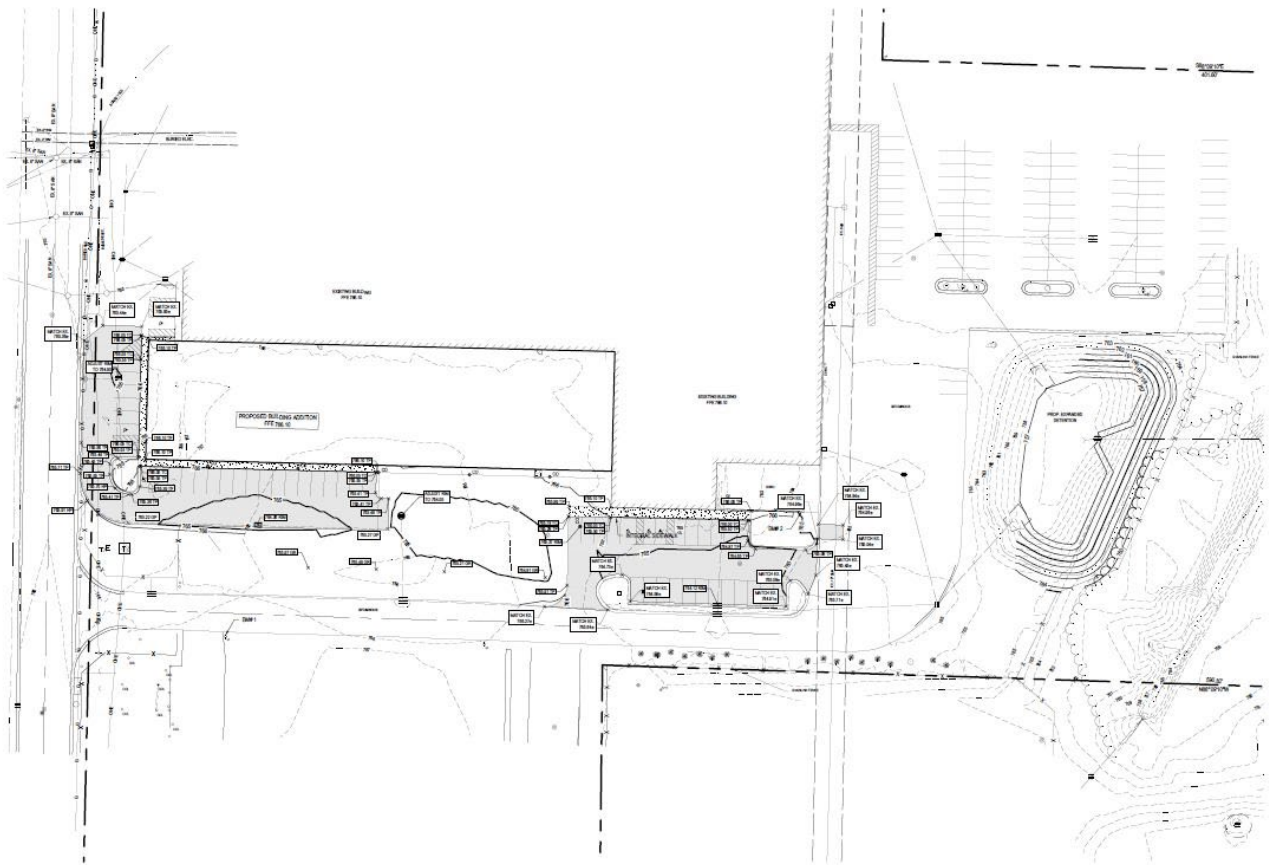
General Information

The proposed site plan involves the construction of a new addition to the Tesa Tape facility. The addition will be 26,500 sq ft and will include parking upgrades, stormwater upgrades, and other utilities. See application and drawings for additional detail.

Notes:

Overview of additions (**Drawings will be on the projector at the meeting**)





Site Location:

324 South Union St. Sparta, MI. The addition will be on the south side of building on the property acquired from Sparta Area Schools a few years ago.

Current Zoning:

LI -Light Industrial

Surrounding Land Uses and Zoning:

North: LI – Light Industrial

East: LI – Light Industrial

South: R-1- Residential

West: LI – Light Industrial

Applicable Regulations:

The building and property require site plan review and a storm water management plan.

Master Plan:

The site plan and zoning of the area match our current and draft future master plan.

Staff Comments and Proposed Conditions:

Progressive A&E was hired by Tesa Tape to put together the site plan and work it through our process. Attached you will see the memo from Prein & Newhof in regards to the design that was submitted for our review. The parking issues noted in this review are covered by a previous agreement with Tesa Tape. Therefore, those should not preclude the design from moving forward. Additionally, Tesa is proposing a continuation of a previously approved exterior building design. While this poses a technical problem with the ordinance, it should be accommodated considering it was already allowed under the recently completed addition. The lighting issues noted in the preliminary review have been revised and corrected.

The only issue outstanding is storm water. We have not yet received the storm water plan or calculations from Progressive A&E. Therefore, approval of this plan should be condition on an agreement being reached for storm water.

Staff Recommendation

Staff recommends approval of the site plan contingent upon an agreement being reach regarding storm water calculations and storage. Both our engineer and I do not believe this issue should delay the site plan from moving forward..

A sample motion would be: I move to approve the site plan for 324 South Union St. contingent upon an agreement being reach regarding storm water calculations and storage.

The Planning Commission will meet **August 7, 2023 at 7:00 PM**. If you have any questions or concerns about this report or you are unable to attend the meeting, please contact me at (616) 902-4946 or villagemanager@spartami.org.

August 2, 2023

James Lower
Village Manager
156 E Division
Sparta, MI 49345

**Re: Site Plan Review Submittal – tesa Tape South Warehouse Addition
324 S Union Street, Sparta, MI 49345**

James,

Please see attached for the submittal for site plan review for tesa Tape. This project is located at 324 S Union Street, Sparta, MI 49345. The permanent parcel number for the site is 41-05-23-155-018.

The applicant is Richard Alan Tramper with tesa Tape. Plans have been prepared by Laura Schaner at Progressive AE located at 1811 4 Mile Road NE, Grand Rapids, MI 49525.

The legal description for the property is as follows:

PART OF NW 1/4 & SW 1/4 COM AT W 1/4 COR TH S 88D 46M 14S E ALONG E&W 1/4 LINE 808.07 FT TO E LINE OF UNION ST /60 FT WIDE/ & TO BEG OF THIS DESC - TH N 0D 41M 59S E 299.39 FT TH S 88D 46M 14S E 481.64 FT TH S 88D 40M 30S E 60.0 FT TH S 0D 59M 18S W TO N LINE OF S 60 FT OF NW 1/4 TH E ALONG SD N LINE TO W LINE OF E 865 FT OF NW 1/4 TH S ALONG SD W LINE TO E&W 1/4 TH S 0D 38M 38S W 365.0 FT ALONG W LINE OF E 865 FT OF SW 1/4 TH N 88D 09M 10S W TO A PT 1453.0 FT N 88D 09M 10S W ALONG E&W 1/4 LINE & 365.0 FT S 0D 38M 38S W FROM CEN OF SEC TH S 0D 38M 38S W 236.85 FT TH N 88D 09M 10S W 356.90 FT TO ELY LINE OF UNION ST TH NLY ALONG SD ELY LINE TO BEG * SEC 23 T9N R12W 14.11 A. SPLIT/COMBINED ON 10/26/2021 FROM 41-05-23-155-015, 41-05-23-301-010

Existing Conditions

The existing parcel is developed with the current tesa Tape facility, associated parking lots, and utilities. The proposed location for the south warehouse building addition is the remnants of a demolished track field. There is an existing driveway to the south of the existing building, providing access to Union Street. An existing detention pond is located in the southeast corner of the property and is sized for the existing development only.

Proposed Development

Development will include construction of an approximately 26,500 sf building addition with accompanying parking facility upgrades, stormwater facilities, and other utilities.

The building addition's water needs will be serviced through the existing buildings infrastructure. A new 4" sanitary lateral is proposed to tie into the 10" sanitary main running north-south to the east of the existing building. Utility plans will be submitted to the Village Engineer for approval.

Stormwater on site will need to be increased to accommodate the increase in impervious areas. This will result in additional detention volume, as well as increased water quality measures, and additional stormwater piping for collection into the detention basin, per Village of Sparta and Kent County Drain Commission Standards. The stormwater management design will be submitted to the Village Engineer and Kent County Drain Commission for approval.

Overall facility parking is based upon an agreement between tesa and the Village of Sparta. Tesa has calculated their facility needs based on employees on site as well as visitors. This value is calculated at less than the ordinance requirement for parking. This deficit is supplemented with a “deferred parking area” that can accommodate the additional parking to meet ordinance requirements, if needed in the future. The proposed parking intended for this building addition is 16 spaces, which does meet the ordinance requirements for the type of facility.

July 24, 2023
2230265

Mr. James Lower
Village of Sparta
156 East Division Street
Sparta, MI 49345

RE: Tesa Tape – Site plan submittal

Dear James:

At the request of the Village, Prein&Newhof has reviewed the proposal by Progressive AE, for site improvements and building expansion at 324 S. Union. The site is 14.12 acres and is zoned LI (Light Industry). The site at 324 S. Union is currently occupied by a manufacturing facility.

We have reviewed the revised site plan submitted on July 19, 2023 based on current Village Ordinances and offer the following comments:

- 1. Existing Use:** The existing use is one of the permitted or Special Uses under the Light Industrial Zoning in which the building is located.
- 2. Proposed Use:** The proposed use of the addition is not defined therefore no further review was considered.
- 3. Setbacks.** Per Sec. 82-314 the proposed building is considered conforming with respect to setback requirements of 20 feet.
- 4. Access and vehicular circulation.** The site has proposed access drives off S. Union St., and the existing drive access along the south edge of the property. Division 10 of the Code of ordinances offers no requirements for driveways therefore no additional review was considered. The drive isle width for two-way traffic was shown as 22-feet, this meets the traffic flow requirements in Section 82-486.
- 5. Pedestrian circulation.** The site has frontage along S. Union St. There is no existing sidewalk along any frontage. As no sidewalk has been proposed, no additional review was considered.
- 6. Parking.** Based on the current zoned use (industrial), it requires 1 space for each 1,000 sq ft gross floor area (GFA) plus 1 for every 200 sq ft of usable floor area (UFA) of office space. The expansions final floor space requires 26 spaces for GFA and 0 spaces for UFA. The site provides 18 spaces including 4 barrier free spaces which does not meet the requirements for this building use.

Dumpster. Sec. 82-314 requires that dumpsters shall be visually screened from adjacent properties, public and private roadways, or other public areas. The method of screening shall be approved by the planning commission or as otherwise required by the Village zoning

ordinance. No information has been provided on the proposed dumpster location therefore no additional review was considered.

7. **Lighting.** Exterior lightning requirements shall be in accordance with Sec. 82-122 and 82-274. No photometric plan been submitted.
8. **Screening.** Parking lot screening requirements may be found in Sec. 82-468. No vegetative screen or green space (10-foot min.) is shown to be placed on S. Union Street.
9. **Architecture.** Building information shown in the architectural drawings denotes an exterior face of colored insulated metal paneling. The color scheme has been selected to match the existing office. These products are in line with the in accordance with Sec. 82-314 (d)(1) of the Village ordinance.

The west face of the building is not accordance with Sec. 82-314 (d)(1)of the Village ordinance specifying that a minimum of 25 percent of that portion of the building which faces a public or private street, or a residential zoning district or residential use, shall be finished with brick, architectural masonry block, cement board, glass stone or a combination of these materials.

10. **Landscaping** Landscaping shall be in accordance with Sec. 82-314 paragraph 9 and chapter 78 Article IV of the Village ordinance. The 82.45 feet of frontage along both S. Union requires 1 tree and 1 shrub. No landscaping is proposed on S. Union.
11. **Signage.** Single wall mounted sign on the west face of the building does not exceed 5% of the wall areas and is in accordance with Chapter 82 Article VII.
12. **Open Storage.** For areas zoned Light Industrial Open Storage must comply with Sec 82-311. As no outside storage is detailed, no additional review was considered.
13. **Storm Water Review.**
 - a. The site falls in Zone B of the Village of Sparta Storm Water Management Map which has requirements on Water Quality Control and Storm Water detention.
 - b. The site plan shows an increase in impervious area of almost 19,250 sq ft. therefore Storm Water detention is required.
 - c. Water Quality treatment along with detention and discharge calculations for the detention basin should be provided.
 - d. Because the storm sewer is proposed to discharge to the Carpenter Drain, the developer should submit drainage plans and calculations to the Kent County Drain commissioner for review and provide a letter of Drain Commissioner acceptance to the Village.

If you have any questions or require additional information, please feel free to contact us.

Sincerely,



VILLAGE OF SPARTA PLANNING COMMISSION APPLICATION



Visit our website at www.spartami.org

<input type="checkbox"/> Rezoning: From _____ to _____	<input type="checkbox"/> Zoning Ordinance Amendment
<input type="checkbox"/> Special Land Use Permit: Specify Use: _____	<input checked="" type="checkbox"/> Site Plan Review
	<input type="checkbox"/> Preliminary Plat Approval

Applicant Name: tesa Plant Sparta (Richard Alan Tramper)

Street Address: 324 South Union

City: Sparta **State:** Michigan **Zipcode:** 49345

Phone Number(s): 616-952-1102 **E-mail:** atramper@tesatape.com

- I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.
- Additionally, I hereby grant permission for the Village of Sparta Zoning Administrator to enter upon the above mentioned property (or as described in the attachment) for the purposes of gathering information related to this application.
- Furthermore, I hereby acknowledge that in review of this application, the Village of Sparta may require the services of the Village Planner, Village Engineer, and/or the Village Attorney to insure that the requested item(s) for review in this application is compliant to the current zoning laws and policies of the Village of Sparta. I, as the applicant, acknowledge that any costs incurred by the Village of Sparta as they relate to the review of this application by any of the Village's consultants listed above are my responsibility to reimburse and agree to repay the Village of Sparta for any and all costs incurred to it in the review of this application.

Signature: Richard alan Tramper **Date:** 8/2/2023

Applicant is the: Owner Lessee Optionee Contractor/Architect

Property Owner's Name (if different from applicant): Same as applicant

Street Address: _____

City: _____ **State:** _____ **Zipcode:** _____

Phone Number(s): _____ **E-mail:** _____

Signature: _____ **Date:** _____

Project Location or Address: _____

Property is: Residential Commercial Industrial **Property zoned:** LI - Light Industrial

THIS APPLICATION WILL NOT BE CONSIDERED COMPLETED, AND THEREBY NOT PRESENTABLE TO THE PLANNING COMMISSION, UNLESS ALL ITEMS LISTED BELOW HAVE BEEN PROVIDED:

- If application is for a Special Use Permit, a description of the property or properties in question on this application and a site plan as required by the Village's Zoning Ordinance must be attached to this form. Evidence must be provided to show that the proposed use meets all general and specific special land use standards required by the Ordinance.
- If application is for a rezoning, a description of the property or properties in question on this application must be attached to this form. Please explain in detail the request and the reason(s) why you are seeking the rezoning.
- If application is for a Zoning Ordinance (text) amendment, please explain in detail the request and the reason(s) why you are seeking the amendment.
- If application is for preliminary plat approval, please provide all documents requested in Section 62-82 of the Zoning Ordinance

TO BE COMPLETED BY VILLAGE

Date application and fee received: _____ Staff Initials: _____ Receipt #: _____

Application is: APPROVED DENIED

Explanation: _____

PC Meeting Date: _____ City Council Meeting Date (if app.): _____

Zoning Administrator: _____ Date: _____

"The Village of Sparta is an Equal Opportunity Provider & Employer"



#.8b
Village of Sparta Planning
Commission
August 7, 2023

ACTION MEMO

Staff Communication

DATE: August 7, 2023
TO: Planning Commission Chair and Planning Commission Members
FROM: James A. Lower Village Manager
RE: Res. 23-01 Marijuana Ordinances 23-07, 23-08, 23-09

SUMMARY OF REQUEST:

Attached we will find three finalized ordinance drafts. 23-07 is the zoning changes we discussed over the last several meetings and includes the buffer zones, special land use, and other provisions. 23-08 is the actual marijuana licensing ordinances. 23-09 is something we have not directly discussed yet. It is simply an ordinance to update Sparta's ordinance related to drug paraphernalia. It is just a common-sense change that eliminates the criminalization in the village for the possession items residents would use to consume marijuana. Given the state level and pending local level legalization it makes sense to repeal this prohibition as part of this process. I worked with David Eberle of Bloom Sluggett who will be in attendance at the meeting to finalize these ordinance drafts. He and I will be able to answer any questions.

STAFF RECOMMENDATION:

I put together a resolution formally recommending the adoption of all three ordinances to the Village Council. It is also designed to include any public comment we receive or changes to the drafts the planning commission may recommend. If after discussion and public comment the planning commission is comfortable moving forward, then I recommend the adoption of Res. 23-01 by the planning commission.

**PLANNING COMMISSION
VILLAGE OF SPARTA
KENT COUNTY, MICHIGAN**

Resolution No. 23-01

At a regular meeting of the Planning Commission for the Village of Sparta held at the Sparta Civic Center on August 7th, 2023 and beginning at 7:00p.m., the following Resolution was offered for adoption by Planning Commissioner [REDACTED] and was seconded by Planning Commissioner [REDACTED]:

**RECOMMENDATION OF THE PLANNING COMMISSION
REGARDING [Ord. 23-07, 23-08, & 23-09].**

RECITALS

WHEREAS,

- A. The Village of Sparta Planning Commission (the “**Planning Commission**”) held a public hearing regarding the proposed zoning ordinance entitled “[23-07]” (the “**Proposed Zoning Ordinance Amendments for Marihuana**”) on August 7, 2023, in accordance with Section 306 of the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 *et seq.*), as amended, and the Michigan Open Meetings Act, PA 267 of 1976 (MCL 15.261 *et seq.*), as amended.
- B. Notice for the August 7, 2023 public hearing was properly published on July 22, 2023 in the Grand Rapids Press in accordance with Section 306 of the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 *et seq.*), as amended, and the Michigan Open Meetings Act, PA 267 of 1976 (MCL 15.261 *et seq.*), as amended.
- C. Notice for the August, 2023 public hearing was properly given as required by Sections 103 and 202 of the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 *et seq.*), as amended.
- D. The Planning Commission has fulfilled its obligations under the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 *et seq.*), as amended, regarding the proposed Zoning Ordinance.

RESOLVED

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Planning Commission does hereby recommend and submit the attached Proposed Zoning Ordinance Amendment [Ord. 23-07] as well as Ord. 23-08 & 23-09 (Exhibit A) to the Village Council for the Village of Sparta (the “**Village Council**”) [with the

following modifications] for its consideration and adoption. [list modifications if applicable].

2. The Planning Commission does hereby submit to the Village Council the attached summary of the comments received during the August 7, 2023 public hearing regarding the Proposed Zoning Ordinance (Exhibit B).
3. The Planning Commission finds that the Proposed Zoning Ordinance [and recommended modifications is/ are] consistent with the Village of Sparta Master Plan, considerate of the character of each zoning district and the suitability for specific uses, and will promote the public health, safety, and general welfare of the Village.
4. The Planning Commission finds Ord. 23-08 and 23-09 necessary for the implementation of Ord. 23-07.
5. This Resolution is effective upon adoption.

The vote regarding the adoption of this Resolution was as follows:

YEAS: _____

 NAYS: _____
 ABSENT/ABSTAIN: _____

RESOLUTION DECLARED ADOPTED.

 Katy Shelton
 Village Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Planning Commission for the Village of Sparta, Kent County, Michigan at the time and date specified above pursuant to the procedures required by law.

Respectfully submitted,

By: _____

Katy Shelton
Village Clerk

EXHIBIT A

Proposed Zoning Ordinance

(Intentionally left blank)

EXHIBIT B

Summary of public comments from the August 7, 2023 Public Hearing

(Intentionally left blank)

**VILLAGE COUNCIL
VILLAGE OF SPARTA
KENT COUNTY, MICHIGAN**

Ordinance No. 23-07

At a regular meeting of the Village Council for the Village of Sparta at Village Hall on _____, 2023, and commencing at __: __p.m., the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

AN ORDINANCE TO AMEND ARTICLE II SECTION 82-53 ENTITLED “DEFINITIONS M” AND ARTICLE II SECTION 82-57 ENTITLED “DEFINITIONS R;” TO ENACT ARTICLE III, DIVISION 1, SECTION 82-132 ENTITLED “MARIHUANA BUSINESSES;” TO AMEND ARTICLE III, DIVISION 8, SECTION 82-273 ENTITLED “SPECIAL LAND USE” FOR THE GC - GENERAL COMMERCIAL DISTRICT, ARTICLE III, DIVISION 10, SECTION 82-313 ENTITLED “SPECIAL LAND USE” FOR THE LI – LIGHT INDUSTRIAL DISTRICT, AND ARTICLE IV SECTION 82-387 ENTITLED “SAME – NONRESIDENTIAL DISTRICTS,” OF THE VILLAGE OF SPARTA ZONING ORDINANCE.

THE VILLAGE OF SPARTA (the “Village”) ORDAINS:

Section 1. Amendment of Section 82-53. Article II Section 82-53 of the Village of Sparta Zoning Ordinance entitled “Definitions M” is amended and reads in its entirety as follows:

Sec 82-53 Definitions - M.

Main building: The primary building in which the principal use of a parcel is conducted.

Major thoroughfare: Major street as defined by the Village Act 51 Map. In addition, streets carrying relatively high traffic volumes in serving one or more of the following may be considered for addition to the major street system:

- (1) Streets that provide extensions to state trunk lines or county primary roads in facilitating through traffic.
- (2) Streets that provide an integral network to service the traffic demands created by industrial, commercial, educational, or other traffic-generating centers.
- (3) Streets that provide for the circulation of traffic in and around the central business district.
- (4) Streets that are designated as truck routes.
- (5) Streets that collect traffic from an area served by an extensive network of local streets.

Manufactured home: A manufactured home is a structure transportable in one or more sections, eight body feet or more in width and 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities and including plumbing, heating and electrical stems contained therein.

Manufactured home development or manufactured home park: A parcel of land owned by a person upon which are located two or more manufactured homes whether attached or detached from each other or adjacent buildings which are occupied for residential purposes or are connected to a water supply or wastewater disposal system either on a temporary or permanent basis, regardless of whether or not the development offers rental lots or manufactured homes to the public.

Massage: A method of treating the external parts of the body for remedial or hygienic purposes by rubbing, stroking, kneading, adjusting or tapping with the hand or an instrument. "Massage" does not include therapy that is a means employed in the cure of disease, the management of disease or of diseased parts.

Massage (licensed): Any individuals who are licensed through the State of Michigan having a fixed place of business where massages are administered for pay who meet one or more of the following criteria:

- (1) Proof of graduation from a school of massage licensed by the state;
- (2) Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
- (3) Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
- (4) A current occupational license from another state.

Master plan: The statement of policy adopted by the planning commission. It is the officially adopted guidelines for future community development. The plan shall consist of a series of maps, charts and written material.

Medical marihuana facility: A marihuana facility as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

Multiple family development: Two or more buildings containing multiple-family dwellings on a single lot.

Municipal water supply: A water supply system owned by a municipality, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Section 2. Amendment of Section 82-57. Article II Section 82-57 of the Village of Sparta Zoning Ordinance entitled “Definitions R” is amended and reads in its entirety as follows:

Sec. 82-57 Definitions - R.

Recreational marihuana establishment: A marihuana establishment as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended. This also term includes designated consumption establishments, temporary marihuana events, and any other specialty license type authorized by the State of Michigan Cannabis Regulatory Agency or its successor agency.

Recreational marihuana retailer: A marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

Recreational marihuana safety compliance facility: A marihuana safety compliance facility as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

Recreational marihuana secure transporter: A marihuana secure transporter as defined in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

Recreational vehicle: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. These vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Rehabilitation: The upgrading of an existing building or part thereof that is in a dilapidated or substandard condition.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Right-of-way: A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

Article 3. Enactment of Section 82-132. Article III, Division 1, Section 82-132 of the Village of Sparta Zoning Ordinance entitled “Marihuana businesses” is enacted and reads in its entirety as follows:

Sec. 82-132 Marihuana businesses.

- (1) Recreational marihuana establishments are prohibited unless specifically authorized by and operated in compliance with this chapter and Chapter 7 of the Sparta Village Code.
- (2) Medical marihuana facilities are prohibited.

Article 4. Amendment of Section 82-273. Article III, Division 8, Section 82-273 of the Village of Sparta Zoning Ordinance entitled “Special land use” for the GC - General Commercial District is amended and reads in its entirety as follows:

Sec. 82-273. Special land uses.

Land and/or buildings in the GC district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, special land uses:

- (1) Building material suppliers.
- (2) Commercial day care facilities.
- (3) Commercial recreation facilities
- (4) Commercial storage warehouses.
- (5) Hotels and motels.
- (6) Massage (licensed).
- (7) New and used vehicle, boat or farm implement sales including incidental servicing and minor repair.
- (8) Nonresidential uses as permitted in sections 82-252 and 82-253 located in converted residential buildings.
- (9) Nonresidential uses as permitted in section 82-272 located in converted residential buildings.
- (10) Nurseries and greenhouses.
- (11) Open air businesses.
- (12) Private educational institutions.
- (13) Recreational marihuana retailers.
- (14) Recreational marihuana safety compliance facilities.
- (15) Recreational marihuana secure transporters.
- (16) Residential uses meeting the lot area requirements of the R-4 district.
- (17) Restaurants, including drive through service. Outdoor seating may be permitted where patrons are served pursuant to section 82-128, outdoor dining/seating.
- (18) Shopping center or shopping mall.
- (19) Vehicle service stations including major and minor repair and servicing.
- (20) Vehicle-wash establishments, either self-service or automatic.

- (21) Veterinary hospital, clinic or indoor kennel.
- (22) Wireless telecommunication facilities.

Article 5. Amendment of Section 82-313. Article III, Division 10, Section 82-313 of the Village of Sparta Zoning Ordinance entitled “Special land uses” for the LI – Light Industrial District is amended and reads in its entirety as follows:

Sec. 82-313 Special land uses.

Land and/or buildings in the LI district may be used for the following purposes when approved by the village council in accordance with the requirements of article IV, Special Land Uses.

- (1) Adult uses.
- (2) Commercial communication towers, including commercial television, radio, and public utility transmitting and/or receiving towers and receiving microwave antennas, and their attendant facilities.
- (3) Freight yards and terminals.
- (4) Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- (5) Junkyards.
- (6) Lumber and planing mills.
- (7) Metal plating, buffing and polishing, subject to appropriate measures to control the types of process to prevent noxious results and/or nuisances.
- (8) Recreational marihuana retailers.
- (9) Recreational marihuana safety compliance facilities.
- (10) Recreational marihuana secure transporters.
- (11) Rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, etc.
- (12) Restaurants or other places serving food or beverage, except those with drive through services, provided all property lines abut an LI district.
- (13) Tractor trailer and trucking facilities, including storage and repair.
- (14) Utility trailer rental facilities.
- (15) Vehicle repair facilities, major and minor.
- (16) Veterinary hospital, clinic or indoor kennel.
- (17) Waste lagoon ponds, industrially oriented and permanent in character.
- (18) Wireless telecommunication facilities.

Article 6. Amendment of Sec. 82-387. Article IV Section 82-387 of the Village of Sparta Zoning Ordinance entitled “Same – Nonresidential districts” is amended to enact subsections (ii) Recreational marihuana retailers, (jj) Recreational marihuana safety compliance facilities, and (kk) Recreational marihuana secure transporters as follows:

(ii) *Recreational marihuana retailers.*

- (1) All recreational marihuana retailers must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer.
- (2) Any detectable odor of marihuana or any other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
- (3) Retail sales between the hours of 10 p.m. and 8 a.m. are prohibited.
- (4) The lot where a recreational marihuana retailer is located may not be within 1,000 feet of a lot where a public or private school providing education in preschool, kindergarten, or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.
- (5) The lot where a recreational marihuana retailer is located may not be within 500 feet of any public park. Distance is measured as the shortest straight-line distance between lots. The requirements of this paragraph do not apply to the Village of Sparta Dog Park and the Village of Sparta Rogue River Park.
- (6) The lot where a recreational marihuana retailer is located may not be within 50 feet of any property zoned R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Single, Two Family, and Multiple Family, PD Planned Unit Development, or BD Central Business. Distance is measured as the shortest straight-line distance between lots.

(jj) *Recreational marihuana safety compliance facilities.*

- (1) All recreational marihuana safety compliance facilities must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana safety compliance facilities outside of the recreational marihuana safety compliance facilities.
- (2) Any detectable odor of marihuana or any other odor related to the operation of the recreational marihuana safety compliance facilities outside of the recreational marihuana safety compliance facilities is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
- (3) The lot where a recreational marihuana safety compliance facility is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in preschool, kindergarten, or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.

- (4) The lot where a recreational marihuana safety compliance facility is located may not be within 500 feet of any public park. Distance is measured as the shortest straight-line distance between lots. The requirements of this paragraph do not apply to the Village of Sparta Dog Park and the Village of Sparta Rogue River Park.
- (5) The lot where a recreational marihuana safety compliance facility is located may not be within 50 feet of any property zoned R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Single, Two Family, and Multiple Family, PD Planned Unit Development, or BD Central Business. Distance is measured as the shortest straight-line distance between lots.

(kk) *Recreational marihuana secure transporters.*

- (1) All recreational marihuana secure transporters must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana secure transporter outside of the recreational marihuana secure transporter.
- (2) Any detectable odor of marihuana or any other odor related to the recreational marihuana secure transporter outside of the recreational marihuana secure transporter is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
- (3) The lot where a recreational marihuana secure transporter is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in preschool, kindergarten, or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.
- (4) The lot where a recreational marihuana secure transporter is located may not be within 500 feet of any public park. Distance is measured as the shortest straight-line distance between lots. The requirements of this paragraph do not apply to the Village of Sparta Dog Park and the Village of Sparta Rogue River Park.
- (5) The lot where a recreational marihuana secure transporter is located may not be within 50 feet of any property zoned R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Single, Two Family, and Multiple Family, PD Planned Unit Development, or BD Central Business. Distance is measured as the shortest straight-line distance between lots.

Article 7. Repealer.

Ordinance No. 19-02 entitled “Prohibited Marihuana Establishments & Facilities” is repealed in its entirety.

Article 8. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Village ordinances except as otherwise explicitly stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the Act or any other State law.

Article 9. Savings Clause. The provisions of this Ordinance are severable. If any portion of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable any other part or portion of this Ordinance.

Article 10. Effective Date. Except as otherwise provided by law, this Ordinance is effective upon the expiration of the 7th day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Katy Shelton
Village Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Village Council for the Village of Sparta, Kent County, Michigan, at a regular meeting of the Village Council duly called and held on _____, 2023.

By:

Katy Shelton
Village Clerk

Planning Commission Public Hearing: 8/7/2023

Adopted:

Published (date/ paper):

Effective:

DRAFT

**VILLAGE COUNCIL
VILLAGE OF SPARTA
KENT COUNTY, MICHIGAN**

Ordinance No. 23-08

At a regular meeting of the Village Council for the Village of Sparta held at the Sparta Civic Center on _____, 2023, and commencing at __:__ p.m., the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

**AN ORDINANCE TO ENACT A NEW CHAPTER SEVEN ENTITLED
“MARIHUANA LICENSING AND REGULATION” FOR THE SPARTA
VILLAGE CODE.**

THE VILLAGE OF SPARTA (the “Village”) ORDAINS:

Section 1. Enactment of Chapter 7. Chapter 7 of the Sparta Village Code entitled “Marihuana Licensing and Regulation” is hereby enacted and reads in its entirety as follows:

Chapter 7 – MARIHUANA LICENSING AND REGULATION.

Article 1. Recreational Marihuana.

Sec. 7.1.1 General.

The Village finds that it is in the public interest to allow the licensing and operation of certain recreational marihuana establishments within its jurisdiction in a manner consistent with this article, the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended, and other applicable state and local laws, ordinances, rules, and regulations.

Sec. 7.1.2. Purpose.

The purpose of this article is to establish standards for the licensing of certain recreational marihuana establishments within the Village. It is the Village’s intent, subject to conditions, to allow the licensing and operation of certain recreational marihuana establishments within its jurisdiction in order to:

- A. Promote the safe and regulated storage, transportation, testing, and sale of recreational marihuana;
- B. Provide safe access to recreational marihuana for eligible consumers;
- C. Discourage the sale of unsafe or unlicensed marihuana products;

- D. Preserve and protect the health, safety, and welfare of the residents of the Village and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
- E. Establish standards and procedures by which the licensing, permitting, operating, and maintaining of recreational marihuana establishments within the Village will be governed.

Sec. 7.1.3. Definitions.

A. As used in this article:

- (1) “Act” means the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.
- (2) “Cannabis Regulatory Agency” means the State of Michigan Cannabis Regulatory Agency or its successor agency.
- (3) “Marihuana establishment” means marihuana establishment as defined in the Act. This term also includes designated consumption establishments, temporary marihuana events, and any other specialty license authorized by the Cannabis Regulatory Agency pursuant to the Act.
- (4) “Marihuana retailer” means a marihuana retailer as defined in the Act.
- (5) “Marihuana safety compliance facility” means a marihuana safety compliance facility as defined in the Act.
- (6) “Marihuana Secure Transporter” means a marihuana secure transporter as defined in the Act.
- (7) “Village marihuana license” means a Village marihuana establishment license issued under this article.
- (8) “State operating license” means a state license as defined in the Act.

Sec. 7.1.4. Authorized Marihuana Establishments.

- A. Unless specifically authorized by and licensed under this article, marihuana establishments are prohibited.
- B. The operation of a marihuana establishment requires a valid State operating license and a valid Village marihuana license.

C. Village marihuana licenses for the following types of marihuana establishments may be granted under this article:

- (1) Marihuana Retailer.
- (2) Marihuana Safety Compliance Facility.
- (3) Marihuana Secure Transporter.

D. A Village marihuana license is a revocable privilege granted by the Village and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest. The application for a license does not create or vest any right, title, franchise, or other property interest. The Village may at any time amend the requirements imposed by this article, and cease authorizing, licensing, or renewing the licenses of marihuana establishments.

Sec. 7.1.5. Licensing Application.

- A. All applications for a Village marihuana license must be filed with the Village Clerk utilizing and complying with the Village approved forms and processes.
- B. Neither the application for a Village marihuana license nor the granting of a Village marihuana license may be made until the applicant has been granted prequalification status by the Cannabis Regulatory Agency.
- C. As part of the application process, the applicant may be required to provide any information required by the Act and any other information reasonably requested by the Village.
- D. The Village Clerk will assess an initial non-refundable license application fee in the amount set from time to time by resolution of the Village Council. No application will be accepted without the full payment of the required application fee.
- E. Licensing determinations will be at the discretion of the Village Manager and based upon compliance with the requirements of the Act, this article, and the Village Zoning Ordinance.
- F. The Village Manager will state the basis for any denial of a Village marihuana license in writing.
- G. Following the approval of a Village marihuana license by the Village Manager, the Village Clerk will assess a non-refundable licensing fee in an amount set from time to time by resolution of the Village Council. No Village marihuana license will be issued without the full payment of the required licensing fee. Failure to pay

the licensing fee in full within 10 calendar days of eligibility constitutes a refusal and forfeiture of the Village marihuana license.

- H. No Village marihuana license will be approved or issued to an applicant who is in default to the Village or delinquent in any taxes or special assessments.
- I. All Village marihuana licenses will expire 365 calendar days from the date of issuance.

Sec. 7.1.6. License Renewal.

- A. All applications for the renewal of a Village marihuana license must be filed with the Village Clerk utilizing and complying with the Village approved application, forms, and processes.
- B. Neither the application for the renewal of a Village marihuana license nor the renewal of a Village marihuana license may be made unless the applicant has a valid State operating license for the marihuana establishment seeking the Village marihuana license renewal.
- C. Village marihuana license renewal applications must be submitted to the Village Clerk no earlier than 60 and no later than 30 calendar days before the Village marihuana license expires. Late applications will be subject to a late fee as determined from time to time by resolution of the Village Council.
- D. As part of the Village marihuana license renewal process, the applicant may be required to provide any information required by the Act and any other information reasonably requested by the Village.
- E. The Village Clerk will assess a non-refundable license renewal application fee in the amount set from time to time by resolution of the Village Council. No renewal application will be accepted without the full payment of the required application fee.
- F. The Village manager will renew a Village marihuana license if the marihuana establishment seeking the renewal of its Village marihuana license complies with the Act, this article, and the Village Zoning Ordinance. Prior violations of this article by the applicant or disciplinary action taken against the applicant by the Cannabis Regulatory Agency are grounds for a non-renewal.
- G. The Village Manager will state in writing the grounds for any non-renewal.
- H. Following the renewal of a Village marihuana license, the Village Clerk will assess a non-refundable licensing fee in an amount set from time to time by resolution of the Village Council. No Village marihuana license will be issued without the full payment of the required licensing fee. Failure to pay the licensing

fee in full within ten calendar days of eligibility constitutes a refusal and forfeiture of the Village marihuana license.

- I. No Village marihuana license will be renewed or issued to an applicant who is in default to the Village or delinquent in any taxes or special assessments.
- J. All Village marihuana licenses will expire 365 calendar days from the date of renewal.
- K. A Village marihuana license will be deemed abandoned if a renewal application is not submitted prior to the expiration of the license. An abandoned Village marihuana license may not be renewed.

Sec. 7.1.7. Licensing Requirements.

- A. No applicant that has done business or purported to do business without first obtaining the necessary Village marihuana license, State operating licenses, and other necessary approvals and permits will be eligible for licensing under this article.
- B. All marihuana establishments are subject to inspection, with or without notice, at any time, by any individual or entity authorized to enforce this article.
- C. At all times, marihuana establishments must comply with all applicable rules, standards, laws, ordinances, and regulations promulgated by the Village, the State of Michigan, or any entity thereof.
- D. Each Village marihuana license is specific to a particular location. Any change in location must receive prior approval from the Village Manager in addition to any necessary zoning approvals. The Village Manager will evaluate the proposed change in location for compliance with the terms of this article. Any request for a change in location must be made on the Village approved form and accompanied by an application fee as determined from time to time by the Village Council. Application for a change in location under this subsection may only be made after the desired location has received the necessary zoning approvals.
- E. Each Village marihuana license is issued exclusively to the licensee and any interest in a Village marihuana license is not transferable except as provided in this subsection. The stockholders of a corporation, members of a limited liability company (LLC), and partners of a limited partnership may transfer their interest in a Village marihuana license to other stockholders, members, or partners who are approved by the Cannabis Regulatory Agency. Any change in ownership must be reported to the Village within ten calendar days.

- F. Village marihuana licenses must be displayed at the licensed marihuana establishment in a manner clearly visible to the public.
- G. The issuance of a Village marihuana license under this article is in addition to, and not in lieu of, any other license or permit required by the Village, the County, the State of Michigan, or any entity thereof.
- H. There is a continuing duty for applicants and licensees to provide the Village with updated documentation within ten calendar days of any change. This includes, but is not limited to, any documentation submitted to the Cannabis Regulatory Agency or its successor agency, the issuance of any State operating license, or any change in documentation previously submitted to the Village.
- I. Applicants and licensees must self-report any disciplinary action taken by the Cannabis Regulatory Agency against the applicant or licensee within ten calendar days of receiving notice of such discipline.

Sec 7.1.8. Establishment Requirements.

A. Odor Emissions.

- (1) All marihuana establishments must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the marihuana establishment outside of the marihuana establishment. Such activated carbon filtration system or other similar filtration system must be approved by the Village.
- (2) Any detectable odor of marihuana or any other odor related to the operation of the marihuana establishment outside of the marihuana establishment is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.

- B. Retail sales by recreational marihuana retailers between the hours of 10 p.m. and 8 a.m. are prohibited.

Sec 7.1.9. License Revocation.

- A. A Village marihuana license may be revoked by the Village Manager for any of the following reasons:
 - (1) Fraud or misrepresentation contained in the State license or Village marihuana license applications.
 - (2) Violation of the Act, or any rules, regulations, or terms of licensure as promulgated by the State of Michigan Cannabis Regulatory Agency or

its successor agency.

- (3) Failure to maintain a valid corresponding State operating license.
 - (4) Failure to report any disciplinary action taken by the Cannabis Regulatory Agency as required by subsection 7.1.7(I).
 - (5) Violation of this article.
 - (6) Violation of the Village Zoning Ordinance.
 - (7) Conducting business in such a way as to constitute a danger to the health, safety, or general welfare of the public.
- B. Prior to the revocation of a Village marihuana license, the Village Manager will hold a meeting with the licensee at which the licensee will be afforded an opportunity to be heard and present all relevant evidence.
- C. Applicants who have had a Village marihuana license revoked within 365 days are ineligible for a Village marihuana license.

Sec 7.1.10. Appeals.

- A. Any applicant who is denied a Village marihuana license, an applicant whose Village marihuana license is not renewed, or a licensee whose Village marihuana license is revoked may appeal such decision to the Village Council. The appeal must be submitted to the Village Clerk within 30 calendar days of the denial, denial of renewal, or revocation; be in writing on the Village approved form; and clearly state the basis for the appeal.
- B. The Village Council will hold a public hearing to consider the appeal. The appellant will be afforded an opportunity to be heard and present all relevant evidence.
- C. The Village Council has the final review authority over any appeal brought before it. The Village Council will review the prior decision for reasonableness and consistency with prior Village practice. The final decision of the Village Council will be in writing.
- D. No marihuana establishment whose Village marihuana license has been denied or revoked is permitted to conduct business while an appeal is pending. The conducting of business includes but is not limited to being open to the public, and the transportation or sale of marihuana. However, such marihuana establishment may take the necessary steps to prevent the spoilage of the current inventory.

- E. The completion of the administrative appeals process under this article is required prior to the appellant filing any action in a court of law.
- F. The Village Council may adopt, via resolution, rules governing the appeals process.

Article 2. Medical Marihuana.

Sec. 7.2.1. Prohibition.

Marihuana facilities as defined in the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended, are prohibited.

Article 3. Violation and Penalty.

Sec 7.3.1 Violations and Penalty.

Any individual, corporation, limited liability company, partnership of any type, trust, or other legal entity that violates this chapter is responsible for a municipal civil infraction punishable by a fine of not more than \$500 in addition to any other costs permitted by law for each violation.

Section 2. Repealer.

- A. Ordinance No. 19-01 entitled “Prohibited Marihuana Establishments & Facilities” is repealed in its entirety.
- B. Ordinance No. 23-06 entitled “Marihuana Establishments Ordinance” is repealed in its entirety.

Article 3. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Village ordinances except as otherwise explicitly stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with State law.

Article 4. Savings Clause. The provisions of this Ordinance are severable. If any chapter, article, section, paragraph, sentence, or clause is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Ordinance.

Article 5. Effective Date. This Ordinance is effective upon the expiration of the 20th day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Katy Shelton
Village Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Village Council for the Village of Sparta, Kent County, Michigan, at a meeting of the Village Council duly called and held on _____, 2023.

By:

Katy Shelton
Village Clerk

Adopted:
Published:
Effective:

**VILLAGE COUNCIL
VILLAGE OF SPARTA
KENT COUNTY, MICHIGAN**

Ordinance No. 23-09

At a regular meeting of the Village Council for the Village of Sparta held at the Village Hall on _____, 2023, and commencing at __:__ p.m., the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

AN ORDINANCE TO AMEND CHAPTER 42, ARTICLE VI, DIVISION 2 ENTITLED “CONTROLLED SUBSTANCES” AND TO DELETE CHAPTER 42, ARTICLE VI, DIVISION 3 ENTITLED “DRUG PARAPHERNALIA” OF THE SPARTA VILLAGE CODE.

THE VILLAGE OF SPARTA (the “Village”) ORDAINS:

Article 1. Amendment of Division 2. Chapter 42, Article VI, Division 2 of the Sparta Village Code entitled “ Controlled Substances” is amended and reads in its entirety as follows:

Division 2 – Drug Paraphernalia.

Sec. 43-231. Purpose. The purpose of this division, subject to certain exceptions, is to prohibit the possession of drug paraphernalia in order to discourage the illegal use of controlled substances and to protect the health, safety, and welfare of the public.

Sec. 43-232 Definitions.

(a) The following words, terms, and phrases when used in this division, shall have the meanings ascribed to them in this section.

(1) “Controlled substance” means that term as defined in section 7104 of the Public Health Code, 1978 PA 368, MCL 333.7104.

(2) “Drug paraphernalia” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance; including, but not limited to, all of the following:

- a. An isomerization device specifically designed for use or used in increasing the potency of any species of plant which plant is a controlled substance.
- b. Testing equipment specifically designed for use or used in the identifying or analyzing of the strength, effectiveness, or purity of a controlled substance.
- c. A weight scale or balance specifically designed for use or used in the weighing or measuring of a controlled substance.
- d. A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use or used with a controlled substance.
- e. A hypodermic needle, syringe, or other object designed for use or used in the injecting of a controlled substance into the human body.
- f. A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.
- g. A kit specifically designed for use or used in the manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- h. A device, commonly known as a cocaine kit, that is specifically designed for use or used in the ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.
- i. A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.
- j. A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose
- k. A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

(3) “Marihuana” means that term as defined in section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.

(4) “Marihuana accessories” means that term as defined in section 3 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953.

Sec. 42-233 Prohibition and Exceptions.

(a) Subject to subsection (c), no person shall knowingly possess drug paraphernalia.

(b) In determining whether an object is drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.
- (3) Proximity of the object, in time and space, to a direct violation of the Sparta Village Code any statute of the state regulating the use or possession of a controlled substance.
- (4) Proximity of the object to controlled substances.
- (5) Existence of any residue of controlled substances on the object.
- (6) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this division.
- (7) Instructions, oral or written, provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning use of the object.
- (10) Manner in which the object is displayed for sale.
- (11) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items.
- (12) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- (13) Existence and scope of legitimate uses for the object in the community.

- (14) Expert testimony concerning the objects use.
 - (15) Experience and training of law enforcement officers related to the identification of drug paraphernalia.
- (b) Subsection (a) does not apply to the following:
- (1) The possession of marihuana accessories.
 - (2) An object possessed by, sold, offered for sale to a person licensed under article 15 of the Public Health Code, 1978 PA 368, MCL 16101 *et seq.*, or under the Occupational Code, 1980 PA 299, MCL 339.101 to 339.2721, or any intern, trainee, apprentice, or assistant in a profession licensed under article 15 of the Public Health Code 1978 PA 368, MCL 16101 *et seq.*, or under the Occupational Code, 1980 PA 299, MCL 339.101 to 339.2721, for lawful use in that profession.
 - (3) An object possessed by, sold, or offered for sale to any hospital, sanitarium, clinical laboratory, or other health care institution including a penal, correctional, or juvenile detention facility for lawful use in that institution.
 - (4) An object possessed by, sold, or offered for sale to a dealer in medical, dental, surgical, or pharmaceutical supplies for lawful use.
 - (5) A blender, bowl, container, spoon, or mixing device not specifically designed for a use described in section 42-232.
 - (6) A hypodermic syringe or needle possessed, sold, or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.
 - (7) An object possessed by, sold, or offered for sale by law enforcement officials in the course of performing official duties.
 - (8) The possession of a hypodermic needle, syringe, or other drug paraphernalia at the direction of a medical or veterinary professional for otherwise lawful use.
 - (9) The possession, use, manufacture, sale, offering for sale, or delivery of drug paraphernalia otherwise authorized by law.

Sec. 42-233 Penalty.

A person who violates subsection 42-232(a) is guilty of a misdemeanor punishable by up to 90 days' imprisonment, a fine of up to \$500, or both.

Article 2. Deletion of Division 3. Chapter 42, Article VI, Division 2 of the Sparta Village Code entitled "Drug Paraphernalia" is deleted in its entirety:

Article 3. Conflict. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the laws of the state.

Article 4. Savings Clause. The provisions of this Ordinance are severable. If any chapter, article, section, paragraph, sentence, or clause is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Ordinance.

Article 5. Effective Date. This Ordinance is effective upon the expiration of the 20th day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Katy Shelton
Village Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Village Council for the Village of Sparta, Kent County, Michigan, at a meeting of the Village Council duly called and held on _____, 2023.

By:

Katy Shelton
Village Clerk

Adopted:
Published:
Effective:



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Village of Sparta Planning
Commission
August 7, 2023

ACTION MEMO

Staff Communication

DATE: August 7, 2023
TO: Planning Commission Chair and Planning Commission Members
FROM: James A. Lower Village Manager
RE: Draft Master Plan Discussion

SUMMARY OF REQUEST:

After many months of public meetings, discussions, and surveys, we have a rough draft of the updated Village of Sparta 5 year Master Plan, and it is attached for review. Danielle Bouchard from McKenna will be at the meeting and will present a short overview slideshow presentation.

STAFF RECOMMENDATION:

Review the draft plan and please come prepared with comments and recommendations.