

**CHARTER TOWNSHIP OF BEDFORD
115 S. ULDRIKS DRIVE
BATTLE CREEK, MICHIGAN
PLANNING COMMISSION MEETING MINUTES
January 23, 2024**

Call to Order: by Chairman, Mike Staib at 6:00 pm

Pledge of Allegiance administered by attending body.

Appointment of temporary secretary Barbara Jones. It was moved by Commissioner Staib supported by Trustee Greenwood.

Voice vote 6 yes motion carried

Roll Call: Chairman Mike Staib, Board Trustee, Stacy Greenwood, Commissioners: Barbara Jones, Shirley Tuggle, Tawney Wolters, Kevin Villadsen and Claudia Brown. Six members present. Quorum present. Absent: Shirley Tuggle

Approval of January 23, 2024 Agenda: It was moved by Commissioner Villadsen, seconded by Commissioner Wolters to approve the agenda as presented.

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

Approval of November 14, 2024 Minutes: A motion was made by Commissioner Brown to approve the minutes. The motion was seconded by Commissioner Villadsen.

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

Liaison Report: Trustee Stacy Greenwood reported that there was nothing new coming down from the board. Stated that the board is waiting on the review of the Zoning Ordinance, and is working on a capital improvement plan.

Zoning Report: Building and Zoning Administrator: Cody McCarty

Submitted a written report. Stated that this was a slower time of year and that he was currently enrolled in some training.

Public Comment Time Agenda Items Only:

Open at 6:05 pm Closed at 6:06 pm

Public Comment: None

Discussion of New Business:

a. Appointment of Officers

Trustee Greenwood Motioned for Mike Staib as Chairman, Kevin Villadsen as Vice Chair, and Shirley Tuggle as Secretary. Second by Commissioner Wolters

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

b. Planning Commission Meeting Dates for 2024

1/23/24	7/23/24
2/20/24	August Break
3/26/24	9/24/24
4/23/24	10/22/24
5/21/24	11/19/24
6/25/24	December Break

Trustee Greenwood Motioned For approval. Second by Commissioner Brown

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

c. Public Hearing: A public hearing for the request of Heath Tichenor of Man-Sing, LLC d/b/a Paisley Trees, 21736 Bedford Road North, Battle Creek, Michigan 49017, to rezone property Man-Sing, LLC owns within the Township addressed as 154 Wells Drive, Battle Creek, MI 49017, Parcel No. 04-090-102-05 and is approximately seven (7) acres in size, from the existing "AA" Agricultural District Zoning Classification to the "C" Commercial District Zoning Classification.

Moved by Trustee Greenwood and seconded by Commissioner Wolters to open the public hearing.

Roll Call Vote: 6 in favor/0 opposed. Motion Carries.

Public Hearing open at 6:09 pm.

Applicant Statement: The desired use for this property is for extraction/manufacturing of cannabis. Which is only allowed in Zoning classifications "C" Commercial or "I" Industrial.

Public Comment Time: Rezone Request

Open at 6:14 pm Closed at 6:14 pm

Public Comment: None

Discussion:

Chairman Staib noted that there are generally nine (9) standards of review that Planning Commissions review when considering a rezoning request application. The Commission Review of Standards for a Re-Zoning Request are as follows:

1. Consider All Uses in Proposed District

- a. Commission compared uses in "AA" Agricultural district to "C" Commercial district and examined the list of permitted and conditional land uses in each zoning district classification. Chairman Staib noted that the Commissioners should consider all uses listed in the "C" Commercial District Zoning Classification because any of those uses may be allowed on the subject property if it is rezoned. The Commissioners noted that there were several special uses identified that are permitted in "C" Commercial district, but are not currently allowed in "AA" Agricultural district; those uses include Marijuana Processing and Provisioning, Food Processing, Commercial Storage Warehouses etc.
2. Compliance with Master Plan
 - a. The Commissioners reviewed the Future Land Use Map and determined that the designated use for this parcel is "NR" Rural & Neighborhood Residential. The Commissioners noted that the Township recently approved a new master plan and future land use map and felt it was important to follow its intent and vision of the Township moving forward.
 - b. In Reference to the Master Plan Goals and Objectives Section 7 Mixed Use and Commercial, the objective includes "Minimizing scattered Commercial development within the township and to target future Commercial and Mixed-Use development along the M-89 corridor and M-37 corridor north of Edmonds Road junction". The Commissioners concluded that the subject property is outside that corridor, and a rezone of this parcel is not consistent with goals contained in the Master Plan.
3. Consistency with Zoning in General Area
 - a. This parcel is bordered by three (3) Privately Owned "AA" Agricultural zoned parcels, the Bedford Charter Township Cemetery zoned "MD" Medium Residential, and the Southeast corner borders Man-Sing LLC zoned "AA" Agricultural.
 - b. The Commission noted that a "C" Commercial rezone would lack consistency with the general area because a high-density commercial use may interfere with surrounding agricultural and residential uses. The Commissioners once again noted that rezoning the subject property to "C" Commercial is not consistent with the intent of Township's new Master Plan and Future Land Use Map.
4. Consistency and Compatibility of General Land Use in the Area
 - a. The general land use in the area consists of "AA" Agricultural zoned properties used mainly for primary residency. The Commissioners discussed the uses contained in the "C" Commercial District Zoning Classification and concluded that the higher density commercial use is not compatible with the surrounding agricultural uses. The Township Attorney noted that the Planning Commission should not consider the

applicant's proposed use because any use contained in the "C" Commercial District Zoning Classification may occur on subject property if the rezoning is approval and other zoning standards are satisfied.

5. Suitability of Proposed Uses in Zoning District
 - a. The commission reviewed the possible uses in the "C" Commercial district and determined that most of the uses would not be suitable to that area considering its proximity to primary residential units. The Commissioners noted that a comprehensive review of the Township was completed when the new Master Plan and Future Land Use Map was drafted and approved. Notably, the new Master Plan and Future Land Use map did not indicate that the subject property be rezoned or otherwise transitioned to commercial uses sometime in the future. The Commissioners felt that it was important to follow the intent of the Master Plan and Future Land Use Map.
6. Adequacy of Public Services
 - a. Public Service accessibility was a concern with a "C" Commercial rezone. The Commissioners noted that a narrow dirt road served the subject property. Commission also noted that there is no sewer or water currently on site and expressed concerns over access by the Fire Department with a rezone to commercial and the possible uses.
7. Traffic
 - a. This parcel is at the end of a dead-end road. The road is narrow and not a main throughway. Concerns were noted about increased volume of traffic.
 - b. The Commission referenced Complete Street Report from Master Plan.
8. Identifiable Public Need

There was no identifiable need that was found by the Commission for the request to rezone as "C" Commercial. The Commissioners once again referenced the new Master Plan and Future Land Use Map which do not indicate a commercial need in the area of the subject property (which is surrounded mostly by agricultural and residential uses).
9. Citizen Opposition
 - a. None. Chairman Staib noted that the Commissioners did not receive any written correspondence in support of or in opposition to the applicant's rezoning request. Additionally, no public comment was submitted during the public hearing.

Commissioner Wolters moved, seconded by Commissioner Jones to approve the request of Heath Tichenor of Man-Sing, LLC d/b/a Paisley Trees, 21736 Bedford Road North, Battle Creek, Michigan 49017, to rezone property Man-Sing, LLC owns within the Township addressed as 154

Wells Drive, Battle Creek, MI 49017, Parcel No. 04-090-102-05 and is approximately seven (7) acres in size, from the existing "AA" Agricultural District Zoning Classification to the "C" Commercial District Zoning Classification to the Township Board of Trustees.

Roll Call Vote: 2 in favor (Jones, Brown); 4 opposed (Wolters, Villadsen, Staib, Greenwood). The recommendation of approval of the applicant's rezoning request fails.

The Township Attorney said that the request still moves forward to the Township Board without a recommendation of approval of the rezoning request, which is done by an ordinance, as approving rezoning requests is a legislative function of the Township Board. The record consisting of the reasons why the Commission did not recommend approval will be transmitted to the Calhoun County Planning Commissioner for review and comment.

Review of Marijuana Ordinance:

Commission reviewed first draft revisions. Commission requested that a plotted map of buffer Zone of 250ft and 500 ft be provided at next meeting to determine functionality of buffer zone and functionality of parcels.

A Motion to set Public Hearing for February 20th, 2024 at 6:00 pm at Township Hall for review of the draft ordinance for Marijuana Medical and Adult Recreational uses was moved by Trustee Greenwood Second by Commissioner Brown

Roll Call Vote: 6 in favor/0 opposed. Motion carries.

Discussion of Unfinished Business:

- a. Continued Review of Zoning Ordinance
 - i. Section 3.02 Schedule of Regulations
 - ii. Section 16 definitions
 - Continued review between current and draft ordinance
 - Presentation from McKenna of Land Division and lot sizes examples for different 40-acre parcels
 - Review of regulations specifically Minimum Lot size
 - Recommended review of lot size dimensions and coverage in all zoning districts for next meeting
 - Continued review of definition section 16; updated lists to be provided to McKenna
 - **Future discussions:** Alternative Energy Ordinances (Solar, Wind, Gravel Mining etc.) Short Term Rental, Shooting Range, and Signs.

Public Comment Time: Open at 8:11pm and Closed Public Comment time at 8:18 pm

Gentleman expressed his concern over the proposed changes in the marijuana ordinance. Feels as if the changes are too extreme and unnecessary.

Resident expressed concern that the zoning is very confusing to the public in regards to what uses can happen and where they can happen. Resident also expressed the desire to help with the education of commission in regards to a possible Shooting Range ordinance. Resident stated that he has many years as a certified instructor and has experience with some of the potential issues.

Planning Commission Member Time:

Trustee Greenwood clarified that the new draft ordinances for marijuana does still have the residency requirement and security requirement that has always been in place. Trustee Greenwood stated that one of the main reasons for the review of a Master Plan and Zoning Ordinance is to review Land Use maps to help with less scattered development and to help with clarification and ease for the public to understand.

Commissioner Staib echoed many of Trustee Greenwood's comments also pointed out that the new draft ordinances were not just a cut and paste and that there are many things that were pulled from the current ordinance. Feels that the new drafts are more thorough and comprehensive and easier for residents and business owners to understand.

Chairman adjourned the meeting at 8:21pm

Next meeting Tuesday, February 20, 2024 at 6:00pm



CHARTER TOWNSHIP OF BEDFORD

115 S. Uldriks Drive, Battle Creek, MI 49037

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www.bedfordchartertwpmi.gov

Building & Zoning Report

Prepared by Cody McCarty on February 14th, 2024

For the Bedford Charter Township Planning Commission

- Permit applications are slowly beginning to pick back up. I've fielded a handful of calls with questions about re-roofs and installing new siding, as well as a few more calls regarding small-scale solar installations. I've also received a few calls regarding the changes made by the state regarding Solar.
- I've been focusing on our rental permits and certificates to get those cleaned up and in a better standing. Both rental permits and rental certificates were issued in the past, making it confusing and hard to keep track of. Permits and certificates were also set up in BSA to expire every 2 years when our ordinance states 6 years or 3 years if they had a past violation. Currently I'm manually adjusting the expiration dates that were issued on too short of a timeline and have adjusted the back end of BSA so newly issued rentals will be set up correctly.
- I'm working with the Superintendent and Nightwatch to work on getting our current camera system working in a way where we can livestream the board meetings with minimal changes to the current system.
- I've been working with the Superintendent and our Code Compliance officer to get some of the buildings deemed as Dangerous taken care of and in the process of beginning demolition or repairs to bring them back in compliance.
- I attended the in-person portion of the Zoning Administrator Certification program last week. I've completed all the modules and have until March 22nd to complete the exam and get the certification. By completing and passing this certification, I also become eligible for the Master Citizen Planner certification upon request of the certificate.
- Permits listed below were issued between 1/18/24 and 2/14/24

Building Permits: 6	Total Billed: \$890.00
Electrical Permits: 5	Total Billed: \$695.00
Mechanical Permits: 6	Total Billed: \$707.00
Plumbing Permits: None Issued	Total Billed: \$

Total Permits: 17	Total Billed: \$2,292.00
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"Neighbors Serving Neighbors"

Permit List

02/14/2024

Permit #	Address	Status	Applicant Name	Date Issued	Date Expires	Amount Billed
PB24-003	157 ELLIS RD	ISSUED	TruHome Pros	01/18/2024	07/16/2024	\$170.00
PB24-004	20245 NORTH AVE	FINALED	RON'S ROOFING	01/22/2024	07/29/2024	\$150.00
PB24-005	20863 BAUMAN RD	FINALED	RON'S ROOFING	01/22/2024	07/30/2024	\$150.00
PB24-006	220 ULDRIKS DR	FINALED	RON'S ROOFING	01/22/2024	07/29/2024	\$150.00
PB24-007	157 HUSSEY AVE	ISSUED	TruHome Pros	02/07/2024	08/05/2024	\$120.00
PB24-008	19681 WAUBASCON RD	ISSUED	ED Construction	02/12/2024	08/10/2024	\$150.00

Number of Permits: 6

Total Billed:

\$890.00

Population: All Records

Permit.PermitType = Building AND

Permit.DateIssued Between 1/18/2024 12:00:00 AM AND
2/14/2024 11:59:59 PM

Permit List

02/14/2024

Permit #	Address	Status	Applicant Name	Date Issued	Date Expires	Amount Billed
PE24-005	870 SYLVAN DR	ISSUED	JOHN SEARS	01/18/2024	07/16/2024	\$100.00
PE24-006	721 WELLINGTON AVE	FINALED	MOTOR SHOP ELECTRICAL	01/23/2024	08/03/2024	\$153.00
PE24-007	321 SNOW AVE	FINALED	HI TECH ELECTRIC	01/24/2024	07/29/2024	\$171.00
PE24-008	157 HUSSEY AVE	ISSUED	TruHome Pros	02/06/2024	08/04/2024	\$160.00
PE24-009	139 EDMONDS RD	ISSUED	CARL FARKAS	02/13/2024	08/11/2024	\$111.00

Number of Permits: 5

Total Billed:

\$695.00

Population: All Records

Permit.PermitType = Electrical AND

Permit.DateIssued Between 1/18/2024 12:00:00 AM AND
2/14/2024 11:59:59 PM

Permit List

02/14/2024

Permit #	Address	Status	Applicant Name	Date Issued	Date Expires	Amount Billed
PM24-006	2520 HAMILTON RD	ISSUED	KIDDER HEATING & A/C	01/29/2024	07/27/2024	\$112.00
PM24-007	721 WELLINGTON AVE	ISSUED	CTI MECHANICAL	01/29/2024	07/27/2024	\$100.00
PM24-008	408 ROXBURY LN	ISSUED	ADAMS JOSHUA	01/29/2024	07/27/2024	\$140.00
PM24-009	200 WAUBASCON RD	ISSUED	CTI MECHANICAL	02/06/2024	08/04/2024	\$100.00
PM24-010	20268 WHITE PINE BLVD	ISSUED	BARTHOLOMEW HEATING &	02/06/2024	08/04/2024	\$130.00
PM24-011	4187 KIRBY RD	ISSUED	ERIC DALE HEATING	02/12/2024	08/10/2024	\$125.00

Number of Permits: 6

Total Billed:

\$707.00

Population: All Records

Permit.PermitType = Mechanical AND

Permit.DateIssued Between 1/18/2024 12:00:00 AM AND
2/14/2024 11:59:59 PM

Permit List

02/14/2024

Permit #	Address	Status	Applicant Name	Date Issued	Date Expires	Amount Billed
PB24-003	157 ELLIS RD	ISSUED	TruHome Pros	01/18/2024	07/16/2024	\$170.00
PB24-004	20245 NORTH AVE	FINALED	RON'S ROOFING	01/22/2024	07/29/2024	\$150.00
PB24-005	20863 BAUMAN RD	FINALED	RON'S ROOFING	01/22/2024	07/30/2024	\$150.00
PB24-006	220 ULDRIKS DR	FINALED	RON'S ROOFING	01/22/2024	07/29/2024	\$150.00
PB24-007	157 HUSSEY AVE	ISSUED	TruHome Pros	02/07/2024	08/05/2024	\$120.00
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PE24-005	870 SYLVAN DR	ISSUED	JOHN SEARS	01/18/2024	07/16/2024	\$100.00
PE24-006	721 WELLINGTON AVE	FINALED	MOTOR SHOP ELECTRICAL	01/23/2024	08/03/2024	\$153.00
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PM24-010	20268 WHITE PINE BLVD	ISSUED	BARTHOLOMEW HEATING &	02/06/2024	08/04/2024	\$130.00
PM24-011	4187 KIRBY RD	ISSUED	ERIC DALE HEATING	02/12/2024	08/10/2024	\$125.00

Number of Permits: 17

Total Billed:

\$2,292.00

Population: All Records

Permit.DateIssued Between 1/18/2024 12:00:00 AM AND
2/14/2024 11:59:59 PM

CHARTER TOWNSHIP OF BEDFORD

COUNTY OF CALHOUN

STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

An Ordinance to regulate the location and manner of operation of recreational (adult use) marihuana establishments in the Township licensed by the Township Board and State of Michigan pursuant to the Michigan Regulation and Taxation of Marihuana Act; to amend Section 15.07 “Conditional Use Standards, sub-paragraph “NN” titled, “Marijuana facility and recreational (adult use) marihuana establish” of the Charter Township of Bedford Zoning Ordinance to include new general regulations, application and approval regulations; sets regulations for Adult Use Marihuana Retailers; Grower, Processor, Transporter, Testing Facility; and, Microbusinesses; to repeal conflicting ordinances, to provide for severability; and, an effective date.

CHARTER TOWNSHIP OF BEDFORD

CALHOUN COUNTY

STATE OF MICHIGAN

ORDAINS:

SECTION 1
ADDITION TO DEFINITIONS

Section 2.02 of the Charter Township of Bedford Zoning Ordinance is hereby amended to add the following definition:

101a. Recreational (Adult Use) Marihuana Establishment – means a marihuana establishment as defined in the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951, *et seq.*). As defined a marihuana establishment means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Marihuana Regulatory Agency. All words related to marihuana establishments and not otherwise defined herein, shall have the meanings as provided for in said Michigan Regulation and Taxation of Marihuana Act.

SECTION 2
ADULT USE COMMERCIAL ESTABLISHMENTS

This section amends Section 15.07 “Conditional Use Standards, sub-paragraph “NN” titled, “Marijuana facility and recreational (adult use) marijuana establish” of the Charter Township of Bedford Zoning Ordinance to replace the existing language as follows:

N.N. Marijuana facility and recreational (adult use) marijuana establishment.

1. **General regulations:** An Adult Use marijuana retailer, grower, processor, transporter, testing facility, and/or microbusiness in accordance with the provisions of state law, may be permitted through the issuance of a conditional use permit pursuant to Article 26 Section 26.03 in the specified zone(s), provided that:
 - a. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Township. In the event that a court with jurisdiction declares some or all of this article invalid, then the Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
 - b. For a conditional use permit the Adult Use marijuana retailer, grower, processor, transporter, testing facility and/or microbusiness must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Regulation and Taxation of Marijuana Act, Initiated Act 1 of 2018 (MCL 333.27951 – 333.27967 et seq.); and all other applicable rules promulgated by the State of Michigan.
 - c. The use or facility must be at all times in compliance with all other applicable laws, codes and ordinances of the Township as well as the State of Michigan Fire Code as amended/updated, and the State Building Code. The provisions of the current NFPA-1 related to marijuana facilities are hereby incorporated by reference as if fully restated herein. NFPA 1 of 2018 is available at the office of the Township Fire Marshal and at the office of the Township Attorney for reference as may be necessary. The Township Fire Marshal shall review all applications for compliance with the current marijuana rules in the most recent NFPA-1 and any and all other applicable fire codes facilities rules.
 - d. The Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of this zoning ordinance, and/or the terms of the conditional use permit and approved site plan are not met.
 - e. An Adult Use marijuana retailer, grower, processor, transporter, testing facility and/or microbusiness, shall not be permitted as a home occupation, home-based business or accessory use nor may they include accessory uses except as otherwise

provided in this ordinance.

2. **Application and Approval:** After receiving the application for the grant of a conditional land use permit for Adult Use marijuana retailer, grower, processor, transporter, and/or testing facility, accompanied by the required plans, specifications and permit fees, the Planning Commission shall hold a public hearing and review the application following the procedures required for conditional land use uses set forth in Section 26.03.

Following such hearing, said Planning Commission shall recommend granting or denying the application and set forth its reasons for its decision.

- a. **Annual Review and Rescission:** In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. The Planning Commission shall provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a conditional land use permit where all standards and conditions are complied with and may revoke or refuse to renew a permit where noncompliance exists. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

- b. **Liability Insurance**
All operators shall be required to carry personal injury and property damage insurance while the Adult Use marijuana facility exists, in the amount of not less than \$1,000,000.00 (one million dollars) for each person or property injured or damaged and not less than \$2,000,000.00 (two million dollars) for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. The policy of insurance provided herewith shall name the Township as an additional insured. A copy of the policy shall be filed with the Township Clerk.

3. **Adult Use Marijuana Retailer** shall be subject to the following standards:

- a. **Location.** A building occupied by an Adult Use Marijuana Retailer shall not be located within 500 feet of another building on another property occupied by a

marijuana retailer or provisioning center either in the Township or any adjacent municipality. An Adult Use Marijuana Retail business may be permitted to operate at a location shared with a Medical Marijuana Dispensary.

- b. **Indoor Activities.** All activities of an Adult Use Marijuana Retail facility, including all transfers of marijuana, shall be conducted within the structure and out of public view. Lighting within a building used for growing Adult Use marijuana shall not be visible outside of the building.
- c. **Other Activities.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by an adult use marijuana retail business.
- d. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- e. **Buffer Zones.**
 - (i). An Adult Use marijuana retail business shall not be located within a 1,000-foot radius of a pre-existing:
 - (1) Property occupied by a public or private elementary, or secondary school building providing education in kindergarten or any of grades 1 through 12; NOTE: Does not include home schools.
 - (2) Public library.
 - (ii). An Adult Use marijuana business shall not be located within a 500-foot radius of any property occupied by:
 - (1) A public playground;
 - (2) A public park;
 - (3) Public housing;
 - (4) A religious institution;
 - (5) A public or private, vocational school, college, junior college, or university;
 - (6) A state licensed child care center or preschool;
 - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;

- (8) A youth center;
- (9) A juvenile or adult half-way house;
- (10) Correctional facility or rehab center;

(11) Property zoned:

- (12) Government buildings

(iii). **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-12 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 11 plus 12) to the portion of the building, delineated with a firewall, housing the Adult Use marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the Adult Use marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

(iv). **Measurement of Municipal Boundary Buffers.** A building where an Adult Use marijuana facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.

f. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana sales or storage.

- (i). The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
- (ii). The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
- (iii). The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
- (iv). Negative air pressure shall be maintained inside the building.
- (v). Doors and windows shall remain closed, except for the minimum length of

time needed to allow people to ingress or egress the building.

(vi). An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.

g. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan.

h. **Waste Management Plan**

The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

i. **Subsequent Construction:**

If after a marijuana facility has been approved, a protected use is located within the buffer zone, that use does not gain protected use status from the existing marijuana facility and additional marijuana facilities may be located on the previously approved marijuana facility parcel.

4. **Adult Use Marijuana Grower, Processor, Transporter, and/or Testing Facility** shall be subject to the following standards:

a. **Location.** A building occupied by an Adult Use Marijuana Grower, Processor, Transporter, Testing Facility, and/or Microbusiness may be permitted to operate at a location shared with a Medical Marijuana facility.

b. **Indoor Activities.** All activities of an Adult Use Marijuana facility, including all transfers of marijuana, shall be conducted within the structure and out of public view. Lighting within a building used for growing Adult Use marijuana shall not be visible outside of the building.

c. **Other Activities.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the Adult Use Marijuana business.

d. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.

e. **Buffer Zones.**

(i). An Adult Use marijuana business shall not be located within a 1,000-foot radius of a pre-existing:

(1) Property occupied by a public or private elementary, or secondary school building providing education in kindergarten or any of grades 1 through 12; NOTE: Does not include home schools.

(2) Public library.

(ii). An Adult Use marijuana business shall not be located within a 500-foot radius of any property occupied by:

(1) A public playground;

(2) A public park;

(3) Public housing;

(4) A religious institution;

(5) A public or private, vocational school, college, junior college, or university;

(6) A state licensed child care center or preschool;

(7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;

(8) A youth center;

(9) A juvenile or adult half-way house;

(10) Correctional facility or rehab center;

(11) Property zoned _____.

(iii). **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-12 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 11 plus 12) to the portion of the building, delineated with a firewall, housing the Adult Use marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the Adult Use marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line

regardless of nonconformity to the building housing the medical marijuana facility.

- (iv). **Measurement of Municipal Boundary Buffers.** A building where an Adult Use marijuana facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
- f. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana growing, processing, testing, transport storage or sales.
- (i). The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (ii). The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (iii). The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - (iv). Negative air pressure shall be maintained inside the building.
 - (v). Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (vi). An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- g. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan.
- h. **Waste Management Plan**
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.
- i. **Safety Compliance facilities.** A Safety Compliance Facility shall not be located in the same facility as nor under the same ownership as a marijuana: grower,

processor, retailer or microbusiness.

j. **Subsequent Construction:**

If after a marijuana facility has been approved, a protected use is located within the buffer zone, that use does not gain protected use status from the existing marijuana facility and additional marijuana facilities may be located on the previously approved marijuana facility parcel.

5. **Adult Use Marijuana Microbusiness** shall be subject to the following standards:

- a. **Location.** A building occupied by an Adult Use Marijuana Retailer shall not be located within 500 feet of another building on another property occupied by a marijuana retailer or provisioning center either in the Township or any adjacent municipality. An Adult Use Marijuana Retail business may be permitted to operate at a location shared with a Medical Marijuana Dispensary.
- b. **Indoor Activities.** All activities of an Adult Use Marijuana Microbusiness facility, including all transfers of marijuana, shall be conducted within the structure and out of public view. Lighting within a building used for growing Adult Use marijuana shall not be visible outside of the building.
- c. **Other Activities.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by an adult use marijuana microbusiness.
- d. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- e. **Buffer Zones.**
 - (i). An Adult Use marijuana business shall not be located within a 1,000-foot radius of a pre-existing:
 - (1) Property occupied by a public or private elementary, or secondary school building providing education in kindergarten or any of grades 1 through 12; NOTE: Does not include home schools.
 - (2) Public library.
 - (ii). An Adult Use marijuana business shall not be located within a 500-foot radius of any property occupied by:
 - (1) A public playground;
 - (2) A public park;

- (3) Public housing;
- (4) A religious institution;
- (5) A public or private, vocational school, college, junior college, or university;
- (6) A state licensed child care center or preschool;
- (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
- (8) A youth center;
- (9) A juvenile or adult half-way house;
- (10) Correctional facility or rehab center;
- (11) Property zoned _____.
- (12) Government buildings

(iii). **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-12 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 11 plus 12) to the portion of the building, delineated with a firewall, housing the Adult Use marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the Adult Use marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

(iv). **Measurement of Municipal Boundary Buffers.** A building where an Adult Use marijuana facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.

f. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana sales or storage.

- (i). The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - (ii). The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - (iii). The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - (iv). Negative air pressure shall be maintained inside the building.
 - (v). Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - (vi). An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- g. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan.
- h. **Waste Management Plan**
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.
- i. **Subsequent Construction**
If after a marijuana facility has been approved, a protected use is located within the buffer zone, that use does not gain protected use status from the existing marijuana facility and additional marijuana facilities may be located on the previously approved marijuana facility parcel.

SECTION 3

AA-AGRICULTURAL DISTRICT; CONDITIONAL USE AMENDED

Subsection "T." of Section 4.03 of the Charter Township of Bedford Zoning Ordinance is hereby amended to read as follows:

[4.03]

- T. A marihuana grower as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance, provided the marihuana facility or establishment is located on a lot of at least 10 acres.

SECTION 4

C-GENERAL COMMERCIAL DISTRICT; CONDITIONAL USES AMENDED

Subsections “R.,” “S.,” and “T.,” of Section 9.03 of the Charter Township of Bedford Zoning Ordinance are hereby amended to read as follows:

[9.03]

- R. A marihuana processor as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.
- S. A marihuana secure transporter as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.
- T. A marihuana safety compliance facility as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.

SECTION 5

C-GENERAL COMMERCIAL DISTRICT; CONDITIONAL USES ADDED

Subsection “U.” of Section 9.03 of the Charter Township of Bedford Zoning Ordinance are hereby created to read as follows:

[9.03]

- U. Marihuana retailer.

SECTION 6

I-INDUSTRIAL DISTRICT; CONDITIONAL USES AMENDED

Subsections “L.,” “M.,” “N.,” and “O.” of Section 12.03 of the Charter Township of Bedford Zoning Ordinance are hereby amended to read as follows:

[12.03]

- L. A marihuana grower as authorized by the Bedford Charter Township Medical

Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.

- M. A marihuana processor as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.
- N. A marihuana secure transporter as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.
- O. A marihuana safety compliance facility as authorized by the Bedford Charter Township Medical Marihuana Facilities Licensing Ordinance or the Charter Township of Bedford Recreational (Adult Use) Marihuana Establishment Ordinance.

SECTION 8
REPEAL

All other ordinances, resolutions, orders, or parts of ordinances herewith in effect that are in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 9
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section nor provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be constructed as not interfering or conflicting with the statutory regulations for licensing recreational (adult use) marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951, *et seq.*).

SECTION 10
REPEAL

All ordinance or parts of ordinance in conflict herewith are hereby repealed. Specifically, Ordinance No. 10/14/21/65 is hereby repealed.

SECTION 11
EFFECTIVE DATE

This ordinance shall take effect 8 days after publication, after adoption.

Joyce Feraco, Clerk
Bedford Charter Township
115 S. Uldriks Drive
Battle Creek, MI 49037
269-968-6917

<https://www.bedfordchartertwpmi.gov/>

**CHARTER TOWNSHIP OF BEDFORD
COUNTY OF CALHOUN
STATE OF MICHIGAN**

ORDINANCE NO. ____

ADOPTED: _____

EFFECTIVE: _____

**CHARTER TOWNSHIP OF BEDFORD
CALHOUN COUNTY
STATE OF MICHIGAN**

ORDAINS:

An ordinance to amend the Charter Township of Bedford Zoning Ordinance to provide regulations for commercial medical marihuana facilities; to provide for conditional use approval for commercial medical marihuana facilities; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION 1
NONCONFORMITIES

Section 17.05 of the Charter Township of Bedford Zoning Ordinance is hereby amended to add new section 17.05, titled “Marijuana Facilities” and reads as follows:

Section 17.05. Marijuana facilities.

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
- B. A property owner shall not have vested rights nor nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.
- C. Discontinuation of a state medical marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

SECTION 2
CONDITIONAL USE STANDARDS

Section 15.07 of the Charter Township of Bedford Zoning Ordinance, titled “Conditional Use Standards” is hereby amended to add new Section “OO” which reads as follows:

OO. Marijuana grower, marijuana processor, marijuana provisioning center, Marijuana secure transporter, and Marijuana safety compliance facility:

1. **General regulations:** A marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, and marijuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a conditional use permit pursuant to Article 15 in the specified zone(s), provided that:
 - a. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Township. In the event that a court with jurisdiction declares some or all of this article invalid, then the Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
 - b. For a conditional use permit the marijuana facility must be licensed by the state of Michigan and then must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
 - c. The use or facility must be at all times in compliance with all other applicable laws, codes and ordinances of the Township as well as the State of Michigan Fire Code as amended/updated, and the State Building Code. The provisions of the current NFPA-1 related to marijuana facilities are hereby incorporated by reference as if fully restated herein. NFPA 1 of 2018 is available at the office of the Township Fire Marshal and at the office of the Township Attorney for reference as may be necessary. The Township Fire Marshal shall review all applications for compliance with the current marijuana rules in the most recent NFPA-1 and any and all other applicable fire codes facilities rules.
 - d. The Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of this zoning ordinance, the Medical Marihuana Facilities Ordinance, and/or the terms of the conditional use permit and approved site plan are not met.
 - e. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

f. Application and Approval

After receiving the application for the grant of a conditional land use permit for medical marijuana facility business accompanied by the required plans, specifications and permit fees, the Planning Commission shall hold a public hearing and review the application following the procedures required for conditional use permit set forth in Section 15.07 of the Township Zoning Ordinance.

Following such hearing, said Planning Commission shall recommend granting or denying the application and set forth its reasons for its decision.

- g. Annual Review and Rescission: In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. The Planning Commission shall provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a conditional land use permit where all standards and conditions are complied with and may revoke or refuse to renew a permit where noncompliance exists. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

i. Liability Insurance

All operators shall be required to carry personal injury and property damage insurance while the medical marijuana facility exists, in the amount of not less than \$1,000,000.00 (one million dollars) for each person or property injured or damaged and not less than \$2,000,000.00 (two million dollars) for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. The policy of insurance provided herewith shall name the township as an additional insured. A copy of the policy shall be filed with the Township Clerk.

2. Marijuana Growers shall be subject to the following standards:

a. **Buffer Zones.**

- i. A marijuana grower facility shall not be located within a 1,000-foot radius of any property occupied by:
 - (1) A public or private elementary, or secondary school;
 - (2) A public library
- ii. A marijuana grower facility shall not be located within a 500-foot radius of any property occupied by:
 - (1) A public playground;
 - (2) A public park;
 - (3) Public housing;
 - (4) A religious institution;
 - (5) A public or private, vocational school, college, junior college, or university;
 - (6) A state licensed child care center or preschool;
 - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
 - (8) A youth center;
 - (9) A juvenile or adult half-way house;
 - (10) Correctional facility or rehab center;
 - (11) Property zoned _____.

ii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana grower facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.

b. **Building Floor Space.** The following standards apply:

If only a portion of a building is authorized for use in marijuana grow operation, a partition wall of a height as required by the applicable building codes, shall separate the marijuana grow operation space from the remainder of the building. A partition wall must include a door, capable of being closed

and locked, for ingress and egress between the marijuana production space and the remainder of the building.

- c. **Lighting.** Lighting shall be regulated as follows:
Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
- d. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense, to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- e. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- f. **Residency.** As a specific condition of this conditional use, an owner of the subject property, or the licensee associated with the subject property shall either provide a caretaker residence as defined herein in a separate building with 24-hour staffing or provide a 24-hour, seven-days-a-week staffed

security presence on the property. A direct phone number shall be supplied to local law enforcement.

g. **Waste Management Plan**

The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

3. **Marijuana Processors** shall be subject to the following standards:

a. **Facilities.** A marijuana processing facility shall be located entirely within a fully enclosed, secure, indoor facility with rigid walls, a roof, and doors and shall comply with all applicable sections of the Bedford Charter Township Zoning Ordinance.

b. **Buffer.**

i. A marijuana processor facility shall not be located within a 1,000-foot radius of any property occupied by:

- (1) A public or private elementary, or secondary school;
- (2) A public library

ii. A marijuana processor facility shall not be located within a 500-foot radius of any property occupied by:

- (1) A public playground;
- (2) A public park;
- (3) Public housing;
- (4) A religious institution;
- (5) A public or private, vocational school, college, junior college, or university;
- (6) A state licensed child care center or preschool;
- (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
- (8) A youth center;
- (9) A juvenile or adult half-way house;
- (10) Correctional facility or rehab center;
- (11) Property zoned _____.

iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback,

the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana processor facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.
- c. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense, to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- d. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- e. **Waste Management Plan**
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

4. **Marijuana Provisioning Centers** shall be subject to the following standards:

- a. **Location.** A building occupied by a Medical Marijuana Provisioning Center shall not be located within 500 feet of another building occupied by a marijuana provisioning center either in the Township or any adjacent municipality.
- b. **Indoor Activities.** All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view.
- c. **Other Activities.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- d. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- e. **Buffer Zones.**
 - i. A marijuana provisioning center facility shall not be located within a 1,000-foot radius of any property occupied by:
 - (1) A public or private elementary, or secondary school;
 - (2) A public library
 - ii. A marijuana provisioning center facility shall not be located within a 500-foot radius of any property occupied by:
 - (1) A public playground;
 - (2) A public park;
 - (3) Public housing;
 - (4) A religious institution;
 - (5) A public or private, vocational school, college, junior college, or university;
 - (6) A state licensed child care center or preschool;
 - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
 - (8) A youth center;
 - (9) A juvenile or adult half-way house;
 - (10) Correctional facility or rehab center;
 - (11) Property zoned
 - iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a

firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana provisioning center facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.

- f. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.

- g. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as

applicable, except as required to comply with licensing requirements of the state of Michigan.

h. Waste Management Plan

The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

5. Marijuana Safety Compliance Facilities shall be subject to the following standards:

- a. As a Conditional Use, a marijuana safety compliance facility shall be subject to the regulations and standards applicable to Laboratories and research, testing, design, technical training, and experimental product development facilities in the ordinance.
- b. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.
- c. If any a portion of a building is authorized for use in the storage of marijuana in any form, a partition wall of a height as required by the applicable building codes, shall separate the marijuana storage space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana storage space and the remainder of the building.
- d. Buffer.
 - i. A marijuana safety compliance facility shall not be located within a 1,000-foot radius of any property occupied by:
 - (1) A public or private elementary, or secondary school;
 - (2) A public library
 - ii. A marijuana safety compliance facility shall not be located within a 500-foot radius of any property occupied by:
 - (1) A public playground;
 - (2) A public park;
 - (3) Public housing;
 - (4) A religious institution;
 - (5) A public or private, vocational school, college, junior college, or university;
 - (6) A state licensed child care center or preschool;
 - (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
 - (8) A youth center;
 - (9) A juvenile or adult half-way house;
 - (10) Correctional facility or rehab center;
 - (11) **Property zoned _____.**
 - iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured

from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana safety compliance facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.

- e. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.

- f. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as

applicable, except as required to comply with licensing requirements of the state of Michigan.

g. **Waste Management Plan**

The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

5. **Marijuana Secure Transporters** shall be subject to the following standards:

a. A marijuana secure transporter shall be subject to the following standards.

b. If any a portion of a building is authorized for use in the storage of marijuana in any form, a partition wall of a height as required by the applicable building codes, shall separate the marijuana storage space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana storage space and the remainder of the building.

c. **Buffer.**

i. A marijuana secure transporter facility shall not be located within a 1,000-foot radius of any property occupied by:

- (1) A public or private, elementary, or secondary school;
- (2) A public library

ii. A marijuana secure transporter facility shall not be located within a 500-foot radius of any property occupied by:

- (1) A public playground;
- (2) A public park;
- (3) Public housing;
- (4) A religious institution;
- (5) A public or private, vocational school, college, junior college, or university;
- (6) A state licensed child care center or preschool;
- (7) Any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility;
- (8) A youth center;
- (9) A juvenile or adult half-way house;
- (10) Correctional facility or rehab center;
- (11) Property zoned _____.

iii. **Measurement of Buffers.** For purposes of measuring the buffer distance, the buffered area identified in i. 1 and 2, and ii. 1-11 above shall be called the “protected use”. The distance shall be measured from the zoning district setback line of the above uses (i. 1 and 2, and ii. 1 through 10) to the portion of the building, delineated with a firewall, housing the medical marijuana facility, except for (11) which shall be from the property line of the residential uses to the portion of the building, delineated with a firewall, housing the medical marijuana facility. For existing buildings on the protected

use property which are lawfully nonconforming by reason of setback, the measurement shall be taken from the setback line regardless of nonconformity to the building housing the medical marijuana facility.

- iv. **Measurement of Municipal Boundary Buffers.** A building where a marijuana secure transporter facility is located shall not be located within 250 feet of the Township border with another municipality except where any adjoining property in the adjacent community is zoned for any similar use.

- d. **Odor.** It is the intent of this ordinance that no odor shall be detectable outside of any building where marijuana is present. As used in this subsection, building means the building, or portion thereof, used for marijuana processing.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every six (6) months or as manufacturer recommended.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the conditional use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert at the applicant's expense to review the alternative system design and advice as to its comparability and whether in the opinion of the expert it should be accepted.
- e. **Security Cameras.** If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.
- f. **Waste Management Plan**
The applicant shall establish a waste management plan at a minimum in compliance with state regulations.

M. Medical Marijuana Facilities

1. No marijuana facility operating or purporting to operate prior to March 1, 2018, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
2. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

Definitions of Terms used in 15.07 “OO” Marijuana grower, marijuana processor, marijuana provisioning center, Marijuana secure transporter, and Marijuana safety compliance facility:

G

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

"Grower, Class A" means a medical marijuana grower authorized to grow not more than 500 Marijuana plants.

"Grower, Class B" means a medical marijuana grower authorized to grow not more than 1,000 marijuana plants.

"Grower, Class C" means a medical marijuana grower authorized to grow not more than 1,500 marijuana plants.

L

"Licensee" means a person holding a state operating license issued under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.

M

"Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

"Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

O

"Outdoor production" means growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

P

"Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

R

"Registered Primary Caregiver" means a primary caregiver who has been issued a current registry identification card under the MMMA.

"Registered Qualifying Patient" means a qualifying patient who has been issued a current registry identification card under the MMMA.

"Registry Identification Card" means that term as defined in Section 3 of the MMMA.

S

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a 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 marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

"State Operating License" means a license that is issued under Act 281 that allows the licensee to operate as one of the following, specified in the license: a grower, processor, securer transporter, provisioning center or safety compliance facility.

"Statewide Monitoring System" means the Internet-based, statewide database established and maintained by the State Department of Licensing and Regulatory Affairs under the Michigan Marijuana Tracking Act, Act 282 of the Public Acts of Michigan of 2016, as amended, for the purpose of enabling authorized parties and agencies to confirm or verify relevant information with respect to medical marijuana uses authorized by Act 281.

U

"Usable Marijuana" means the dried leaves, flowers, plant resin or extract of the marijuana plant, but does not include the seeds, stalks and roots of the plant.

SECTION 3

AA-AGRICULTURAL DISTRICT; CONDITIONAL USE ADDED.

Subsection "U." of Section 4.03 of the Charter Township of Bedford Zoning Ordinance is hereby created to read as follows:

[4.03]

- U. A medical marijuana grower as authorized by the Bedford Charter Township Medical Marijuana Facilities Licensing Ordinance, provided the marijuana facility is located on a lot of at least 10 acres.

SECTION 4

C-GENERAL COMMERCIAL DISTRICT; CONDITIONAL USES ADDED

Subsection “V” of Section 9.03 of the Bedford Charter Township Code is hereby created to read as follows:

[9.03]

- V. A marijuana safety compliance facility as authorized by the Bedford Charter Township Medical Marijuana Facilities Licensing Ordinance.

SECTION 5

I-INDUSTRIAL DISTRICT; CONDITIONAL USES ADDED.

Subsection “Q” of Section 12.03 of the Bedford Charter Township Code is hereby created to read as follows:

[12.03]

- Q. A marijuana provisioning center as authorized by the Bedford Charter Township Medical Marijuana Facilities Licensing Ordinance.

SECTION 6

DEFINITIONS ADDED

Section 2.02 of the Charter Township of Bedford Zoning Ordinance is hereby amended to add the following definitions as numbered:

[2.02]

58a. Grower. A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

65a. Licensee. A person holding a state operating license issued under the Medical Marijuana Facilities Licensing Act, MCL 333.2710J, et seq

- 79a. Marijuana or marihuana. These terms shall have the meaning ascribed to them by the Public Health Code, MCL 333.1101, et seq.; the Michigan Medical Marihuana Act, MCL 333.26421, et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901, et seq.
- 79b. Marijuana facility. An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101, et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421, et seq.
- 92a. Outdoor production. An enterprise involving the growing of marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.
- 93a. Person. An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- 97a. Processor. A licensee that is a commercial entity located in this state 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.
- 97b. Provisioning center. A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly, or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421, et seq., is not a provisioning center for purposes of this ordinance.
- 109a. Safety compliance facility. A licensee that is a commercial entity that receives marihuana from a 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 marihuana facility.

112a. Secure transporter. A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

125a. Township. Bedford Charter Township, Calhoun County, Michigan.

SECTION 7
REPEAL

All other ordinances, resolutions, orders, or parts of ordinances herewith in effect that are in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 8
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section nor provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 9
REPEAL

All ordinance or parts of ordinance in conflict herewith are hereby repealed. Specifically, Ordinance No. 2/8/18/07 is hereby repealed.

SECTION 10
EFFECTIVE DATE

This ordinance shall take effect 8 days after publication, after adoption.

Joyce Feraco, Clerk
Bedford Charter Township
115 S. Uldriks Drive
Battle Creek, MI 49037
269-968-6917

<https://www.bedfordchartertwpmi.gov/>