

GRAYLING CHARTER TOWNSHIP PLANNING COMMISSION
MINUTES JUNE 28, 2023

1. 6:00 P.M. call to order.
2. Pledge of Allegiance.
3. Roll Call: Gosnell, Michal, Reetz, Dedenbach & Palmer.
Absent: None
Also present: See attached sign in sheet also Lacey Stephan III as recording secretary.
4. **Case #23-06** Marihuana Zoning Ordinance Amendment (Draft on file)
Open public hearing 6:11
Two resident had questions about locations and the process of creating an ordinance, concerns about drugs in our community.
Close public hearing at 6:40 Reconvene regular meeting.
5. Motion by Michal support by Reetz to approve minutes of April 26, 2023. All ayes, motion carried.

6. Open Public Hearing

Case #23-04 Special Use, Site Plan Review
Petitioner: McClain & Son Construction
Address: PO Box 188
 Grayling, MI 49738
Local Address: 6895 M-72 West
 Grayling MI 49738
Property ID # 040-42-012-11-065-00
Location: SEC12 T26N R4W
Zoning: C-1
Lot Size: 0.00 Acres +or-
Request: Requesting special use for 2 self-storage buildings in back of
 property with retail space in front. Site plan review
Non-conformance: None.
Zoning Justification: Ordinance 2018-01, Article 4 Section 6.2A-F
 Site Plan Review Sec 5.2B

Cameron McClain explains his request
Mike Firestine (homeowner) comments on units.
Michal asks about future use of the remaining 2+acres.
Michal & Dedenbach both ask about screening.

Close public hearing, reconvene regular meeting.
Motion by Dedenbach support by Reetz to approve as requested with the condition of a 6 foot privacy fence.
All ayes, motion carried. Worksheets on file.

7. Case 23-05 Cancelled by petitioner.

Case # 23-05	Special Use Site Plan Review
Petitioner:	Telecad Wireless 1961 Northpoint Blvd. Suite 130
Address:	Hixon, TN 37343
Local Address:	8307 W M-72 Hwy Grayling, MI 49738
Property ID#	040-42-010-14-030-00
Location:	SEC10 T26N, R4W
Zoning:	C-1
Lot Size:	3 Acres +or-
Request:	Requesting special use for a wireless communications tower. Article 7 Sec 7.24A2.B1-3, C.1-10. Site plan review.
Non-conformance:	Special Use Approval
Zoning Justification:	Ordinance 2018-01 Article 4 Sec B & C.

8. Last minute additions and other matters which may legally come before the board.

9. Motion by Dedenbach support by Palmer to adjourn. All ayes, motion carried.

Planning Commission

June 28, 2023

Religious Present
Lam McKin

1. Dave Dewar
2. Carol Davis
3. Bob Terry
4. Tena Dixon
5. McKinley Katuszek
6. Sloan L
7. Lyndon
8. Papa Dixon
9. Reese McClain
10. Mayce McClain
11. MIKE FIRESTONE

DRAFT
Grayling Charter Township
Ordinance No. 02 of 2023

An ordinance to amend the Grayling Charter Township Zoning Ordinance Section 2.1 (Definitions), Section 4.3 (Table of Permitted and Special Land Uses), Section 4.8 (C-1 General Commercial District), Section 4.9 (C-2 Heavy Commercial District), Section 4.10 (Industrial District), and Section 7.35 (Marihuana Facilities).

Grayling Charter Township, Crawford County, Michigan ordains:

Section 1: Amendment to the Grayling Charter Township Zoning Ordinance

That Grayling Charter Township Zoning Ordinance, Section 2.1 (Definitions) is hereby amended to read as follows:

Amend the following definitions: (additions to definitions are in red text)

MEDICAL MARIHUANA DEFINITIONS: If any of the following definitions are amended by the State of Michigan in any state law related to marihuana facilities or marihuana establishments, the amended definition(s) adopted by the State of Michigan shall supersede the following definitions.

- A. **ADULT-USE MARIHUANA ESTABLISHMENT:** 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 state to operate under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended and permitted by the Township pursuant to Township ordinances. Herein referred to as Marihuana Facility(ies).
- B. **CULTIVATE:** Cultivate is defined in Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- C. **ENCLOSED, LOCKED FACILITY:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (**Michigan Medical Marihuana Act**), being MCL 333.26423.
- D. **LICENSEE:** A person holding a state operating license issued by the Department of Licensing and Regulatory Affairs (LARA), or any subsequent agency with the authority to issue licenses, under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq. or the **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- E. **MARIHUANA:** A controlled substance as defined in section 7106 of the **Public Health Code, PA 368 of 1978**, MCL 333.7106 and by the **Michigan Regulations and Taxation of Marihuana Act**, Initiated Law of 2018, MCL 333.27951 et seq., as amended.
- F. **MARIHUANA GROWER or MEDICAL MARIHUANA GROWER:** A use where a person holding a

state operating license under the MMFLA or MRTMA, and a marihuana license under Grayling Charter Township ordinances cultivates, dries, trims, or cures and packages marihuana for sale to the extent permitted by State law and rules.

Medical Marihuana Facilities Licensing Act:

- (1) Class A – Up to 500 marihuana plants.
- (2) Class B – Up to 1,000 marihuana plants.
- (3) Class C – Up 1,500 marihuana plants

Michigan Regulation and Taxation of Marihuana Act (Initiated Law of 2018):

- (1) Class A – Up to 100 marihuana plants.
- (2) Class B - Up to 500 marihuana plants.
- (3) Class C – Up to 2,000 marihuana plants.

- G. **MARIHUANA-INFUSED PRODUCT**: A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.
- H. **MARIHUANA MICROBUSINESS**: A use where a person holding a state operating license under the MRTMA and a license under Grayling Charter Township ordinances cultivates not more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments, to the extent permitted by State law and rules.
- I. **MARIHUANA PLANT**: Any plant of the species *Cannabis sativa* L.
- J. **MARIHUANA PROCESSOR OR MEDICAL MARIHUANA PROCESSOR**: A use where a person holding a state license under the MMFLA or MRTMA, and a marihuana license under Grayling Charter Township ordinances purchases marihuana from a marihuana grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to the extent permitted by State law and rules.
- K. **MARIHUANA RETAILER**: A use where a person holding a state operating license under the MRTMA and a license under Grayling Charter Township ordinances obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older to the extent permitted by State law and rules.
- L. **MARIHUANA SAFETY COMPLIANCE FACILITY or MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY**: A use where a person holding a state operating license under the MMFLA or MRTMA, and a marihuana license under Grayling Charter Township ordinances tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids to the extent permitted by State law and rules.
- M. **MARIHUANA SECURE TRANSPORTER or MEDICAL MARIHUANA SECURE TRANSPORTER**: A use where a person holding a state license under the MMFLA or MRTMA, and a marihuana license under Grayling Charter Township ordinances stores medical marihuana and transports marihuana for a fee to the extent permitted by State law and rules.

- N. **MEDICAL MARIHUANA**: Marihuana as defined by the **Michigan Medical Marihuana Act** (MCL 333.26421 et seq.) grown, used or transferred for “medical use” as defined by the Act.
- O. **MEDICAL MARIHUANA FACILITY**: A location at which a person is licensed to operate under the **Michigan Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq., and holds a marihuana facility license pursuant to Grayling Charter Township ordinances and operates as a medical marihuana grower, medical marihuana processor, medical marihuana secure transporter, medical marihuana provisioning center, or a medical marihuana 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. Herein referred to as **Marihuana Facility(ies)**.
- P. **MEDICAL MARIHUANA PRIMARY CAREGIVER**: That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act)**, being MCL 333.26423 who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
- Q. **MEDICAL MARIHUANA PRIMARY CAREGIVER FACILITY**: A building in which the activities of a Primary Caregiver are conducted.
- R. **MEDICAL MARIHUANA PROVISIONING CENTER**: A use where a person holding a state license under the **Michigan Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq., and a license pursuant to Grayling Charter Township ordinances purchases medical marihuana from a medical marihuana grower or medical marihuana processor and commercially sells, supplies, or provides medical marihuana to registered qualifying patients as defined in the **Michigan Medical Marihuana Act**, MCL 333.26241 et seq., directly or through the registered qualifying patients’ registered primary caregiver. Medical marihuana provisioning center includes any property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A residential location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the **Michigan Medical Marihuana Act**, MCL 333.26241 et seq., is not a medical marihuana provisioning center.
- S. **MMFLA**: The **Medical Marihuana Facilities Licensing Act**, MCL 333.2701 et seq., as amended.
- T. **MMMA**: The **Michigan Medical Marihuana Act**, MCL 333.26421 et seq., as amended.
- U. **MRTMA**: The **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq., as amended.
- V. **MTA**: The **Marihuana Tracking Act**, MCL 333.27901 et seq., as amended.
- W. **PERMITTED PROPERTY OR PERMITTED LOCATION**. The property comprise of a lot, parcel, or other designated unit of real property upon which the **Medical Marihuana Facility** or **Adult Use Marihuana Establishment** is located. A permitted property or permitted location is identified based on address.

- X. **QUALIFYING PATIENT:** That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act)**, being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

That Grayling Charter Township Zoning Ordinance, Section 4.3 (Table of Permitted & Special Land Uses) is hereby amended to read as follows:

4.3 Table of Permitted and Special Land Uses								
P = Permitted by right Land Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
COMMERCIAL/RETAIL/OFFICE/SERVICE								
Marihuana Grower						S*		
Marihuana Processor or Medical Marihuana Processor						S*		
Marihuana Retailer or Provisioning Center				S*	S*			
Marihuana Safety Compliance Facility or Medical Marihuana Safety Compliance Facility						S*		
Marihuana Secure Transporter or Medical Marihuana Secure Transporter						S*		

That Grayling Charter Township Zoning Ordinance, Section 4.8 (C-1 General Commercial District) is hereby amended to read as follows:

- B. Uses Permitted by Right and Special Uses.

Add the following:

4.8 Table of Permitted and Special Land Uses	
P = Permitted by right Land Use Permit *Uses with Supplemental Regulations (Article 7)	C-1
COMMERCIAL/RETAIL/OFFICE/SERVICE	
Marihuana Retailer or Provisioning Center	S*

That Grayling Charter Township Zoning Ordinance, Section 4.9 (C-2 Heavy Commercial District) is hereby amended to read as follows:

- B. Uses Permitted by Right and Special Uses.

Add the following:

4.9 Table of Permitted and Special Land Uses	
P = Permitted by right Land Use Permit *Uses with Supplemental Regulations (Article 7)	C-2
COMMERCIAL/RETAIL/OFFICE/SERVICE	
Marihuana Retailer or Provisioning Center	S*

That Grayling Charter Township Zoning Ordinance, Section 4.10 (I - Industrial District) is hereby amended to read as follows:

B. Uses Permitted by Right and Special Uses.

Add the following:

4.9 Table of Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Land Use Permit *Uses with Supplemental Regulations (Article 7)	I
COMMERCIAL/RETAIL/OFFICE/SERVICE	
Marihuana Grower	S*
Marihuana Processor or Medical Marihuana Processor	S*
Marihuana Safety Compliance Facility or Medical Marihuana Safety Compliance Facility	S*
Marihuana Secure Transporter or Medical Marihuana Secure Transporter	S*

That Grayling Charter Township Zoning Ordinance, Section 7.35 (Marihuana Facilities) is hereby added to read as follows: (new section)

A. General Standards and Submission Requirements.

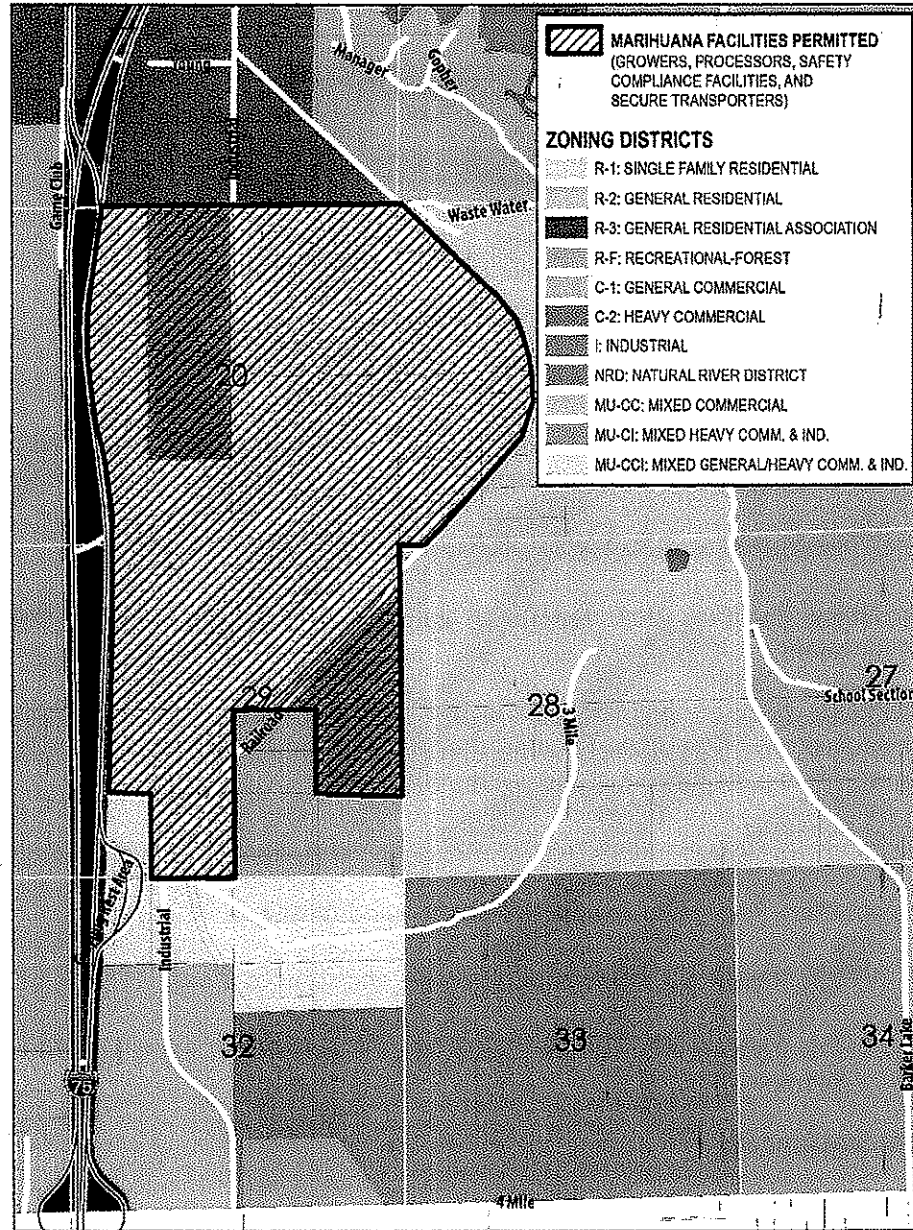
1. Marihuana facilities shall remain in compliance with the State of Michigan licensing requirements.
2. Marihuana facilities shall receive a license from the Township prior to operating and shall continue to comply with the Grayling Charter Township Medical Marihuana Facility and Adult Use Marihuana Establishment Licensing Ordinance
3. The following shall be submitted in conjunction with the licensing application:
 - a. **Site Plan.** Site Plan pursuant to Article 5 and Article 6.
 - (1) Site Plan should show public, private, and secured areas.
 - (2) For growers, the site plan must also show secured areas and any type of outdoor storage.

B. Specific Standards.

In addition to the site plan review standards in Section 5.6 and the Special Land Use standards in Section 6.2, the following standards shall apply:

1. The types of marihuana facilities permitted by Special Land Use in the Township are listed in Table 4.3 and in the individual district tables.
2. **Industrial District Marihuana Uses.**

- a. **Location.** Marihuana facilities (Adult-Use and Medical) including Growers, Processors, Safety Compliance Facilities, and Secure Transporters shall only be allowed in the Industrial District as shown on the map below.



- b. **Setbacks.** Side and rear setbacks shall be fifty (50) feet.
- c. **Lot Size.** The minimum lot size shall be two and a half (2.5) acres. The depth to width ratio shall be no greater than 1:4.

3. **Location.** Each marihuana facility shall be operated only from the premises approved on the site plan. No marihuana facility shall be permitted to operate from a movable, mobile, or transitory location, except for a permitted and licensed marihuana secure transporter when engaged in the lawful transport of marihuana or for delivery operations if approved by the State of Michigan.
4. **Co-Location.** Multiple types of marihuana facilities may operate from within a single facility operating pursuant to the **Michigan Regulation and Taxation of Marihuana Act** and may operate from a location shared with a marihuana facility(s) operating pursuant to the **Medical Marihuana Facilities Licensing Act** and the rules of the State. Co-location may only occur if all uses are allowed in the zoning district in which the permitted property is located. See the Grayling Charter Township Medical Marihuana Facility and Adult Use Marihuana Establishment Licensing Ordinance.
5. **Isolation Distance.**
 - a. **Retailers and/or Provisioning Centers.**
 - (1) **Building to Building Isolation Distance.** Buildings used for marihuana retailers and/or provisioning centers shall not be located within five hundred (500) feet of any building used for education, professional child care, addiction treatment, religious institution, or residential.
 - (2) **Lot Line to Lot Line Isolation Distance.** Lots which contain marihuana retailers and/or provisioning centers shall not have a lot line within one hundred (150) feet of the lot line of a district zoned R-1, R-2, R-3, R-F, or NRD in Grayling Charter Township or zoned RD, AR, LDR, or MDR in Beaver Creek Township. This isolation distance does not apply if the lots are separated by M-72, M-93, or I-75.
 - b. **Growers, Processors, Safety Compliance Facilities, and Secure Transporters.** Growers, Processors, Safety Compliance Facilities, and Secure Transporters shall not abut a property containing a building used for education, professional child care, addiction treatment, religious institution, or residential or a district zoned R-1, R-2, R-3, R-F, or NRD.
6. **Screening.** Screening along the side and rear lot lines (and along the front lot line in the Industrial District) shall be provided adjacent to residential districts or residential uses pursuant to Section 3.23 for all marihuana facilities. For the purposes of establishing screening required, marihuana facilities shall be considered a Type V use requiring the most extensive vegetative screening. Screening placement and materials shall result in a complete obscuring effect at the time of installation. The Planning Commission may approve deviations to the required screening to result in less or more screening.
7. **Lighting.** Light cast by light fixtures inside any building used for marihuana cultivation or production shall not be visible outside the building from dusk to dawn the following day. Indoor artificial grow lighting shall be shielded to prevent glare through windows and shall not be visible from neighboring properties or rights-of-way at all times of day.

8. **Security.** Marihuana facilities shall keep all marihuana products in a secured location pursuant to the State of Michigan rules and regulations.
9. **Impact to Adjacent Premises.** The operation and design of the permitted premises shall minimize any impact to adjacent uses including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises.
10. Permitted Marihuana Facilities shall be subject to the following:
 - a. Only the entity named on the permit may operate at a facility or establishment.
 - b. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the permitted premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of marihuana are located.
 - c. The permit holder, owner, and operator of the permitted premises shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
11. Marihuana may be transported by a Marihuana Secure Transporter within Grayling Charter Township under this Ordinance, and to effectuate its purpose, only:
 - a. By persons who are otherwise authorized by state law to transport marihuana; and
 - b. In a manner consistent with all applicable state laws and rules, as needed; and
 - c. In a secure manner designed to prevent the loss of the marihuana, including the storage of transport vehicles indoors overnight; and
 - d. In transport vehicles that are not used for the continuous storage of marihuana, but only used incidental to, and in furtherance of, the transportation of marihuana.
12. Grayling Charter Township may impose such reasonable terms and conditions on a Marihuana Facility Special Land Use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Grayling Charter Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Grayling Charter Township Supervisor

Grayling Charter Township Clerk

I, _____, Clerk for Grayling Charter Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. ____ of 2023 of Grayling Charter Township, adopted by at a meeting of the Township Board of Trustees held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Grayling Charter Township Offices at 2090 Viking Way (PO Box 521), Grayling, MI 49738.

Adopted: _____ Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.

