



CHESTERFIELD TOWNSHIP
BOARD OF TRUSTEES
MACOMB COUNTY, MICHIGAN
ZONING ORDINANCE
Ordinance No. 200

AN AMENDMENT TO THE CHESTERFIELD TOWNSHIP ZONING ORDINANCE TO ADD DEFINITIONS FOR MARIHUANA ESTABLISHMENTS IN ARTICLE 2, TO ADD SPECIFIC MARIHUANA ESTABLISHMENTS TO THE LIGHT INDUSTRIAL DISTRICTS (M-1) AS PRINCIPAL PERMITTED USES IN ARTICLE 3, AND TO ADD SPECIFIC STANDARDS FOR PERMITTED MARIHUANA ESTABLISHMENTS IN ARTICLE 4.

THE CHESTERFIELD CHARTER TOWNSHIP BOARD OF TRUSTEES ORDAINS:

PART I. DEFINITIONS.

Amend Section 2.2 – Definitions, to add the following definitions:

Designated consumption establishment means a space that is licensed and authorized to permit adults 21 years of age and older to consumer marihuana products at the location indicated on the state license.

Marihuana Establishment means a marihuana grower, marihuana safety compliance Establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Marijuana Regulatory Agency.

Marihuana Grower means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments as permitted by state law.

Marihuana Microbusiness means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance Establishment, but not to other Marihuana Establishments.

Marihuana Processor means a person licensed to obtain marihuana from Marihuana Establishments; process and package marihuana; and sell or otherwise transfer marihuana to Marihuana Establishments.

Marihuana Retailer means a person licensed to obtain marihuana from Marihuana Establishments and to sell or otherwise transfer marihuana to Marihuana Establishments and to individuals who are 21 years of age or older.

Marihuana Secure Transporter means a person licensed to obtain marihuana from Marihuana Establishments in order to transport marihuana to Marihuana Establishments.

Marihuana Safety Compliance Establishment means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Person. An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

State License means a license issued by the Marijuana Regulatory Agency that allows a person to operate a Marihuana Establishment.

Separation Distance Measurements. The distance computed by measuring a straight line from the nearest property line of the parcel(s) identified in Section 4.56.5.G to the nearest part of a building used as a marihuana Establishment. When measuring between two Marihuana Establishments, the distance shall be computed to and from the nearest part of the building used as a marihuana Establishment.

PART 2. AMEND ARTICLE 3, SECTION 3.1.21, M-1 LIGHT INDUSTRIAL TO ADD MARIHUANA ESTABLISHMENTS AS PERMITTED USES, WITH DESIGNATED CONSUMPTION ESTABLISHMENTS AS SPECIAL LAND USES.

Amend Section 3.1.21, M-1 Light Industrial, B. Permitted Uses, to add a new subsection 8. Marihuana Establishments (Section 4.56)

Amend Section 3.1.21, M-1 Light Industrial, C. Special Land Uses, to add a new subsection 9. Designated Consumption Establishments (Section 4.56)

PART 3. AMEND ARTICLE 3 TO ADD A NEW SUBSECTION 3.21.F.3.M TO PROVIDE STANDARDS FOR MANAGING WATER USAGE OF INDUSTRIAL PROPERTIES.

3.21.F.3.m: Water usage. When site plan approval is required, the establishment shall provide calculations setting forth the projected gallons per day of water usage and discharge to ensure that adequate water and sewer capacity is available in the Township's water and sewer systems."

PART 4. AMEND ARTICLE 4 TO ADD A NEW SECTION 4.56 AS FOLLOWS:

Section 4.56 Marihuana Establishments

1. **Purpose.** It is recognized by this Chapter that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Chapter. However, when properly regulated, these uses can make a positive contribution to the economic vitality of the Township. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties. It is also the purpose of this ordinance to assure that there is a balance of industrial users in the industrial districts. Marihuana establishments are envisioned along with other permitted uses in the district.
2. **Applicability.** Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of the Michigan Regulation and Taxation of Marihuana Act (MRTMA) providing for the sale, transport, testing, growing, distribution, and processing of marihuana or any other

activity involving a marihuana-related use shall require review and approval pursuant to Article 6 and will require a license from the Township. Any Establishment not specifically authorized in this Ordinance is prohibited.

3. **Separation Distances.** It has been observed that without separation distances between Marihuana Establishments and certain other land uses, Marihuana Establishments can tend to concentrate in clusters. It is further recognized that these uses which, because of their very nature, have potential serious objectionable operational characteristics, particularly when concentrated under certain circumstances. In addition, separation regulations of Marihuana Establishments have been deemed necessary to limit the intensity and density of this use, provide for other permitted users in the district.
4. **Approval Procedures for Marihuana Establishments.**
 - A. **Zoning approval.** Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed Establishment.
 - B. **License Required.** Licensing for Marihuana Establishments is required per the Chesterfield Township Marihuana Establishments Ordinance.
 - i. License. Marihuana establishments must obtain a license for operation from the Township Clerk prior to commencement of operation.
 - ii. An applicant proposing to operate a marihuana establishment in an existing building must obtain a certificate of occupancy within six (6) months subsequent to the issuance of a license or the license will be revoked. An applicant requesting a license for a marihuana establishment to be operated in a new facility must obtain a building permit within six (6) months of issuance of the license and the permit must remain active or the license will be revoked.
 - iii. Conversion. Conversion to a license type not listed is strictly prohibited.
5. **Zoning review application requirements.** Zoning applications for Marihuana Establishments shall be submitted as required in Section 6.1, site plan review. In addition, the following information is also required:
 - A. As provided in Section 6.1, for new construction or any change that would require a site plan by the Township (Section 6.1.C), a site plan shall be submitted showing the proposed building(s) to be used, constructed, remodeled or reconstructed, along with the parking, landscaping and lighting plans. For sites that use existing buildings and parking / circulation establishments and do not require a site plan by the Township (Section 6.1.C.), a survey or as-built drawing shall be submitted.
 - B. Existing and proposed building elevations shall be provided, including building material and other pertinent information that describes building construction or structural alterations.
 - C. Floor plans shall be submitted detailing use areas.

- D. A plan for general waste disposal, chemical disposal and plant waste disposal is required.
- E. A notarized statement by the property owner that acknowledges use of the property for a marihuana Establishment.
- F. A copy of official paperwork issued by LARA showing proof that the applicant has received a license and paid all of necessary application fees.
- G. A zoning confirmation form from the Township to confirm compliance with the following separation distance requirements (see definition for separation distance measurements):
 - i. The Marihuana Establishment building must be at least one thousand feet (1,000') away from the following:
 - a. A public or private pre-kindergarten, kindergarten, elementary or secondary school building;
 - b. A public park or library;
 - c. A commercial child care organization building (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services; or its successor agency;
 - d. A religious institution building that is defined as tax exempt by the Assessing Department;
 - e. A building in which substance abuse prevention services, substance abuse treatment, or substance abuse rehabilitation services are provided as those terms are defined in MCLA 333.6101 et seq., as amended.
 - ii. The following also applies:
 - a. Marihuana Establishments shall be at least one thousand feet (1,000') away from residentially zoned property (R-30, R-20, R-1-A, R-1-B, R-1-C, R-2, MHP, RM-1, RM-2, RM-3), including similar residentially zoned properties in adjacent communities.
 - b. No property line or other equivalent boundary of Marihuana Establishment site shall abut a residentially zoned property (R-30, R-20, R-1-A, R-1-B, R-1-C, R-2, MHP, RM-1, RM-2, RM-3), including similar residentially zoned properties in adjacent communities.
 - c. A Marihuana Establishment shall not be located within the same building or unit occupied by any other type of business or use, unless co-located compliant with the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and the Michigan Cannabis Regulatory Agency (CRA).
 - d. No Marihuana Establishment shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.
 - e. A grower, processor, or marihuana retailer may co-locate their Marihuana Establishment within the same building or parcel if compliant with State law. Each type of Marihuana Establishment, subject to

licenses, requires separate Township applications and permits pursuant to Chesterfield Township Marihuana Establishments.

- H. Distances shall be measured in accordance with the Separation Distance Measurements, as defined in Section 2.2.
- I. Evidence of approval of other permits or licenses that may be required by Chesterfield Township, Macomb County or the State of Michigan.

6. General requirements for all Marihuana Establishments.

- A. Consumption of marihuana shall be prohibited in all establishments, unless otherwise permitted by license type, and a sign shall be posted on the premises of each Establishment indicating that consumption is prohibited on the premises.
- B. Residential uses within the same structure/building are prohibited.
- C. Outdoor storage or discharge of toxic, flammable or hazardous materials into sewer or storm drains is prohibited.
- D. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- E. No Marihuana Establishments shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Establishment is operated.
- F. Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention. Outdoor lighting will comply with Section 5.37.
- G. Interior security measures other than security cameras shall not be visible from the public right-of-way (e.g. security shutters, bars, or other methods) during operating business hours.
- H. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.
- I. Air contaminants, including dust, fume, gas, mist, odor, smoke, vapor or combination thereof must be controlled and eliminated by the following methods:
 - i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates or renders less noxious all air contaminants prior to leaving the building. Fan(s) must be sized for the volume of the building as determined by the Building Official. This provision may be waived by the Building Official for marihuana provisioning establishments when the Building Official determines that such a system is not necessary for to achieve compliance with this ordinance.
 - ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

- iii. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - iv. The Building Official may approve an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
- J. Ventilation, operation and waste disposal for the Establishment shall not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
- K. In no instance shall marihuana or marihuana products, marihuana processing or marihuana grow operations be visible to the public from any property line or public property.
7. **Specific requirements for marihuana retailers.**
- A. Retailers are permitted in the M-2 district when located within 200' of a major thoroughfare.
 - B. The sale or dispensing of alcohol or tobacco products at a marihuana retail establishment is prohibited.
 - C. **Hours of operation.** No marihuana retailer shall be open to the public between the hours of 9 p.m. to 9 a.m.
 - D. **Establishment Exterior.** The exterior appearance of a Establishment must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan. All standards of the M-1 district apply.
 - i. No marihuana or equipment used in the sale, testing or transport of marihuana can be placed or stored outside of an enclosed building. This section does not prohibit the temporary placement of marihuana in motor vehicles outside of an enclosed building so long as money or marihuana is not left in an unattended vehicle.
 - ii. Drive-through establishments are prohibited. Delivery of marihuana products to customers in designated parking spaces is permitted provided that ordering and payment takes place prior to pick-up.
 - iii. A minimum of 25 percent of any street-facing façade shall have transparent glazing between two and eight feet above grade.
8. **Specific requirements for marihuana grower or processing establishments.** Such uses shall provide the following information:
- A. The projected amount of water that will be used to demonstrate no more water will be consumed than other permitted uses in the district in which it is located.
 - B. The projected amount of wastewater that will be discharged to demonstrate no more water will be discharged than other permitted uses in the district in which

it is located and that such wastewater shall not contain hazardous contaminants.

- C. A letter from the applicable electric utility stating that the power capacity at the proposed location is sufficient for the intended use.
- 9. Specific requirements for designated consumption establishments.
 - A. When permitted, such uses shall be located on a major thoroughfare.
 - B. The sale or dispensing of alcohol or tobacco products at a designated consumption establishment is prohibited.
 - C. Hours of operation. No designated consumption establishments shall be open to the public between the hours of 9 p.m. to 9 a.m.
 - D. Establishment Exterior. The exterior appearance of an Establishment must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan. All standards of the M-1 and M-2 districts apply. A minimum of 25 percent of any street-facing façade shall have transparent glazing between two and eight feet above grade.

PART 5. AMEND SECTION 5.39.C. AS FOLLOWS TO PROVIDE PARKING STANDARDS FOR MARIHUANA ESTABLISHMENTS:

Section 5.39.C. Minimum parking space requirements.

1. – 3. No Change

4. Offices

Business offices or freestanding administrative offices except as otherwise indicated in this table, and marihuana safety compliance establishments: One (1) per 150 sq. ft of floor space

5. No change

6. Commercial

Designated Consumption Establishments and marihuana retail establishments: One space for each 100 sf of floor area

7. Industrial

Industrial, wholesale or warehouse, including marihuana grower, marihuana microbusiness and marihuana processing establishments. Five spaces, plus one per 500 square feet of floor area for each tenant or occupancy unit.

PART 6. Remedies and Penalties

If a person operates a Marihuana Establishment without a license or otherwise in violation of this Ordinance, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

A Marihuana Establishment operated without a license or not in compliance with the requirements set forth in this Ordinance is a nuisance and may be abated as provided by law.

PART 7. Repeal of Conflicting Provisions

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

PART 8. Severability

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

PART 9. Publication

This Ordinance shall be published in accordance with the Michigan Zoning Enabling Act. Also, Publication shall be made by posting the Ordinance in the office of the Chesterfield Township Clerk and on the Chesterfield Township website.

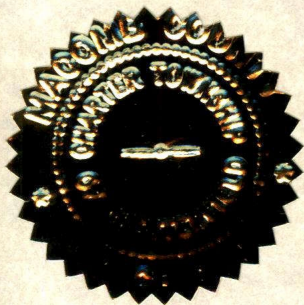
PART 10. Effective Date

This Ordinance shall take effect on August 01, 2023.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance Amendment duly adopted by the Township Board of the Charter Township of Chesterfield, Macomb County, Michigan, at a meeting held on the **27th day of June, A.D., 2023**. I hereby further certify that the following Township Board members were present at the meeting: **Supervisor Kersten, Clerk Berry, Treasurer Elliott, Trustee Anderson, Trustee DeMuyneck, Trustee Joseph and Trustee Vosburg** and the following Township Board Members were absent: **None**.

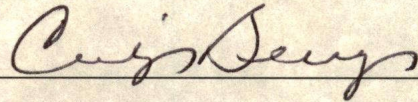
I further certify that Member **Trustee DeMuyneck** moved for the adoption of the Ordinance Amendment, and that motion was supported by Member **Supervisor Kersten**. I further certify that the following Township Board Members voted for the adoption of the Ordinance Amendment: **Supervisor Kersten, Treasurer Elliott, Trustee DeMuyneck, and Trustee Vosburg** and that the following Township Board members voted against adoption of the Ordinance Amendment: **Clerk Berry, Trustee Anderson and Trustee Joseph**



Cindy Berry, Clerk
Charter Township of Chesterfield

CERTIFICATE OF POSTING AND PUBLICATION

I, Cindy Berry, the Township Clerk of the Charter Township of Chesterfield do hereby certify that on **June 28, 2023**, the foregoing Ordinance was posted in the office of the Township Clerk and on the Charter Township of Chesterfield's website as authorized by MCL 42.8(3)(b). In addition, the Notice of Adoption was published in the Voice Newspaper on **July 05, 2023**.



Cindy Berry, Clerk
Charter Township of Chesterfield

For Office Use Only:

Zoning Ordinance: Clearzoning

Introduction Date: By Planning Commission Meeting on 01/17/23

First Publication Date: Voice Newspaper on 04/12/23

Adoption Date: 06/27/23

Second Publication Date: 07/05/23

Effective Date: 08/01/23