



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

MEETING NOTICE

FOR FURTHER INFORMATION CONTACT:

Grant E. Bauman
R2PC Principal Planner
(517) 768-6711
gbauman@co.jackson.mi.us

DATE: January 14, 2021

TIME: 6:00 p.m.

PLACE: **zoom**
(see the back for login information)

MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [**3 MINUTE LIMIT**]
3. Approval of minutes
Approval of the December 10, 2020, meeting minutes [**ACTION**] 3
4. Approval of agenda
Approval of the January 14, 2021, meeting agenda [**ACTION**]
5. Request(s) for review, comment, and recommendation
 - a. Consideration of township zoning amendment(s)
(1) CZ | #21-01 | Napoleon Township rezoning [**ACTION**] 5
(1) CZ | #21-02 | Leoni Township text amendments [**ACTION**] 21
 - b. Consideration of master plan(s) – *None*
 - c. Farmland and Open Space Preservation Program (PA 116) application(s) – *None*
6. Other business
 - a. Unfinished business – *None*
 - b. New business – *None*
7. Public comment [**2 MINUTE LIMIT**]
8. Commissioner comment
9. Adjournment

The next scheduled meeting of the Jackson County Planning Commission is February 11, 2021

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Grant Bauman, Recording Secretary, is
inviting you to a scheduled JCPC Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/95404755366?pwd=cHV6Q2tZdEtZaWc0VWtRazBVNjlGZz09>

Meeting ID: 954 0475 5366

Passcode: 034113

One tap mobile

+13017158592,,95404755366#,,,,*034113# US (Washington D.C)

+13126266799,,95404755366#,,,,*034113# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

Meeting ID: 954 0475 5366

Passcode: 034113

Find your local number: <https://zoom.us/u/abyidxRnv>



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MEETING MINUTES

December 10, 2020

[zoom](#) • Meeting ID: 975 2089 1555 • Passcode: 825078

Members Present: Mr. Eric Beda, Industry and Economics (virtually from Jackson); Mr. Timothy Burns, At Large (virtually from Napoleon); Ms. Nancy Hawley, At Large (virtually from Munith); Mr. Ted Hilleary, Education (virtually from Blackman); Mr. Russ Jennings, At Large (virtually from Leoni); Ms. Jennifer Morris, At Large (virtually from Clark Lake); and Mr. Jim Videto, Agriculture (virtually from Spring Arbor)

Members Absent: Mr. Corey Kennedy, Jackson County Board of Commissioners; and Mr. Roger Gaede, Environment

Liaisons Present: Mr. Grant Bauman, Principal Planner

Others Present: N/A

Item 1. **Call to Order and Pledge of Allegiance.** Chair Morris called the meeting to order at 6:00 p.m. Those in attendance rose and joined in a virtual Pledge of Allegiance.

Item 2. **Public Comment.** There was no public comment.

Item 3. **Approval of Minutes.** Comm. Hilleary made a motion, seconded by Comm. Hawley, to **approve** the November 5, 2020, meeting minutes as presented. *The motion was approved unanimously.*

Item 4. **Approval of the Agenda.** Comm. Videto made a motion, seconded by Comm. Jennings, to **approve** the December 10, 2020, meeting agenda as presented. *The motion was approved unanimously.*

Item 5. **Request(s) for Review, Comment, and Recommendation.**

a. **Consideration of Township Zoning Amendment(s).**

(1) **CZ | #20-15 | Summit Township**

Staff summarized his report regarding the proposed rezoning of the southern ½ (approximately) of a property, located on South Street and known as Parcel ID #640-13-11-327-013-00, to 'light industrial (I-1)'. Staff advised County Planning Commissioners to recommend **disapproval** of the rezoning, noting the incorrect placement of a condition on a conventional rezoning (please see the staff report).

Comm. Hawley and Comm. Videto wondered why the parking was not "grandfathered". Comm. Beda questioned why it was an issue now. Staff replied that he thought it was complaint based. Comm. Beda surmised that the impact on property values was an issue. Commissioners also discussed the fencing condition and how that action should have been part of a conditional rezoning. Comm. Videto made a motion, seconded by Comm. Burns, to recommend **disapproval with comments** of

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the proposed 'I-1' rezoning to the Summit Township Board, suggesting that the applicant reapply under conditional rezoning. *Commissioners approved the motion by majority vote with Commissioners Jennings and Morris voting no.*

(2) **CZ | #20-15 | Columbia Township**

Staff summarized his report regarding the proposed rezoning of a property, located on M-50 just north of the Brooklyn Road junction and known as Parcel ID #000-20-31-101-001-10, to 'highway service commercial (C-3)'. Staff advised County Planning Commissioners to recommend **approval** of the rezoning (please see the staff report). Comm. Videto made a motion, seconded by Comm. Hilleary, to concur with the staff advisement to recommend **approval** of the proposed 'C-3' rezoning to the Summit Township Board. *Commissioners approved the motion unanimously.*

b. **Consideration of Master Plan(s).** None.

c. **Farmland & Open Space Preservation Program (PA 116) application(s).** None.

Item 6. **Other Business.**

a. **Unfinished Business.** None.

b. **New Business.**

2021 Meeting & Submittal Deadline Schedules. Staff presented the proposed meeting and submittal deadline schedules for the JCPC in 2021. Comm. Hilleary made a motion, seconded by Comm. Jennings, to recommend adopt the JCPC's 2021 meeting and submittal deadline schedules. *Commissioners approved the motion unanimously.*

Item 7. **Public Comment.** None.

Item 8. **Commissioner Comment.** Comm. Jennings asked about the reappointments to the Commission. Commissioners Beda, Morris, and Videto thanked staff.

Item 9. **Adjournment.** Chair Morris adjourned the meeting at 6:39 p.m.

Respectfully submitted by:
Grant Bauman, Recording Secretary



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-01

To: County Planning Commissioners

From: Grant E. Bauman

Date: January 4, 2021

Proposal: **A rezoning in Napoleon Township**

Request

The subject property (ID #000-14-36-477-003-02) is proposed for rezoning from 'single-family residential (R-1)' to 'general commercial (GC)' (see the background information).

Purpose

The purpose of the request is to allow the combination of the subject property (215 W. Brooklyn Road) with property located at 217 West Brooklyn Road, allowing the development of the landscaping business known as American Back Yard.¹ *It should be noted that the JCPC voted to recommend approval of the rezoning of 217 W. Brooklyn Road (CZ 19-24), which surrounds the subject property on three sides, during its October 10, 2019, meeting.*

Location and Size of the Property

The ½-acre subject property is situated in Section 36 (T3S-R1E) of the Township (see Figure 1). It is located on the southwest side of Brooklyn Road (M-50) in the unincorporated Village of Napoleon, west of M-50's dogleg-turn south (see Figure 1).

Land Use and Zoning

Current Land Use – A vacant dwelling is located on the subject property, currently assessed by the Township for residential use (see Figure 2). A landscaping business surrounds it on three sides.

Future Land Use Plan – The *Napoleon Township Master Plan* recommends 'commercial' uses along the M-50 corridor in this part of the Township (see Figure 2).

Current Zoning – American Back Yard, which surrounds the property on three sides, is already zoned 'general commercial (GC)'. A mix of residential commercial and industrial uses populate this portion of the M-50 corridor (see Figure 2).

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal water and sewer services are available (see the rezoning worksheet form).

Public Road/Street Access – Brooklyn Road (M-50), a state highway, provides direct access to the subject parcel.

¹ Please note that this report lists the proposed use for informational purposes only. Do not utilize it in making the rezoning decision. Circumstances may change tomorrow which make the proposed use impractical. All of the uses that the proposed zoning designation would allow are pertinent to the rezoning request.

Environmental Constraints – The subject parcel has no known environmental constraints according to the Township (see the Rezoning Worksheet Form).

Analysis and Recommendation

Township Planning Commission Recommendation – The Napoleon Township Planning Commission recommends **approval** of the proposed rezoning of the subject property to ‘general commercial (GC)’ (see the attached Zoning Amendment Form).

Staff Analysis – Napoleon Township has a Zoning Plan (an element of the Master Plan) which includes the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**

Yes. The Future Land Use Plan recommends ‘commercial’ uses along Brooklyn Road (M-50) in that part of the Township (see Figure 2).

2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

Yes. The subject parcel is surrounded on three sides by a property zoned ‘general commercial (GC)’ (see Figure 3).

3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

No. Public services and facilities are not likely to be significantly impacted by the rezoning

4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**

Yes. The M-50 corridor has been transitioning to commercial uses for some time (see Figure 3).

JCPC Staff Advisement – The proposed rezoning conforms to the *Napoleon Township Master Plan*, which recognizes the transition of the M-50 corridor within the unincorporated Village of Napoleon to commercial uses. Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** to the Napoleon Township Board of the proposed rezoning of the subject property (ID #000-14-36-477-003-02) to ‘general commercial (GC)’.

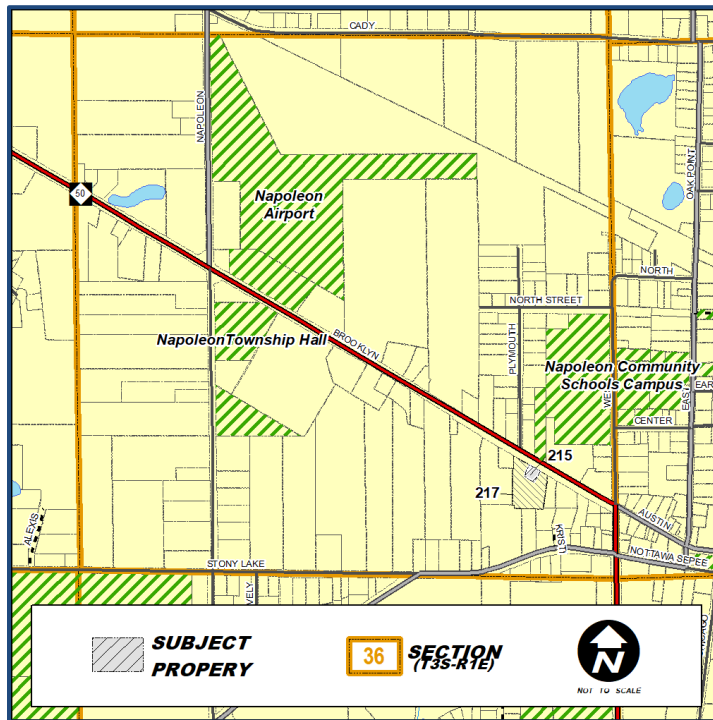
Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

Staff Report Attachment(s):

- Background information provided by Napoleon Township

**Figure 1
Location**



**Figure 2
Property Assessment**

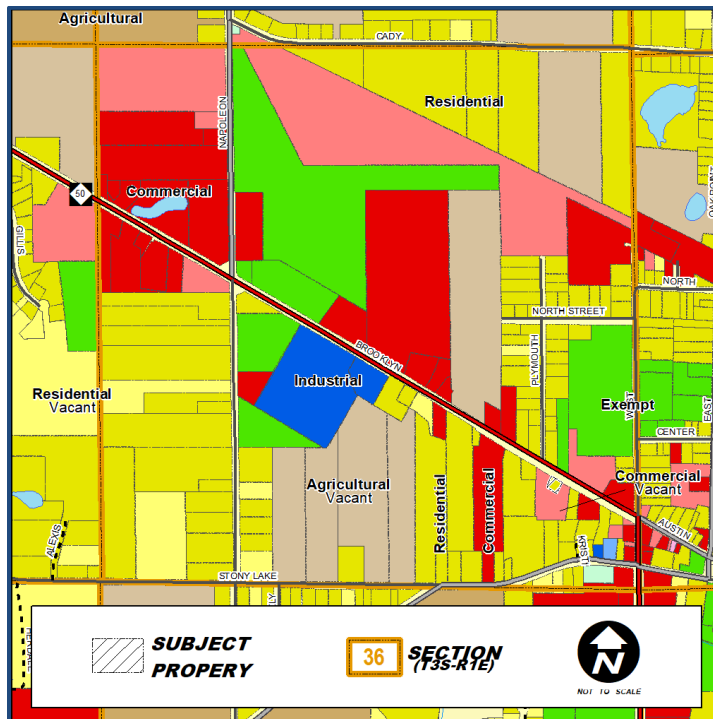


Figure 3
Municipal Future Land Use

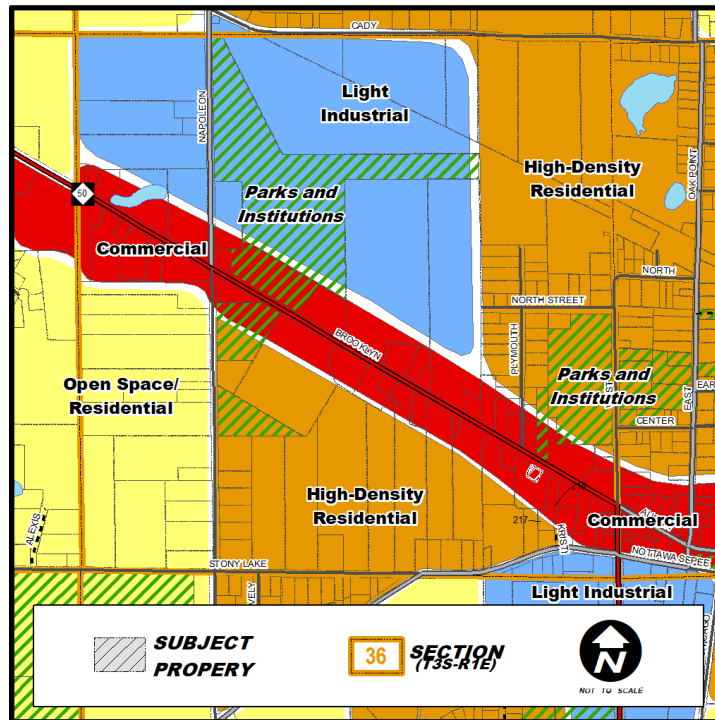


Figure 4
Municipal Zoning

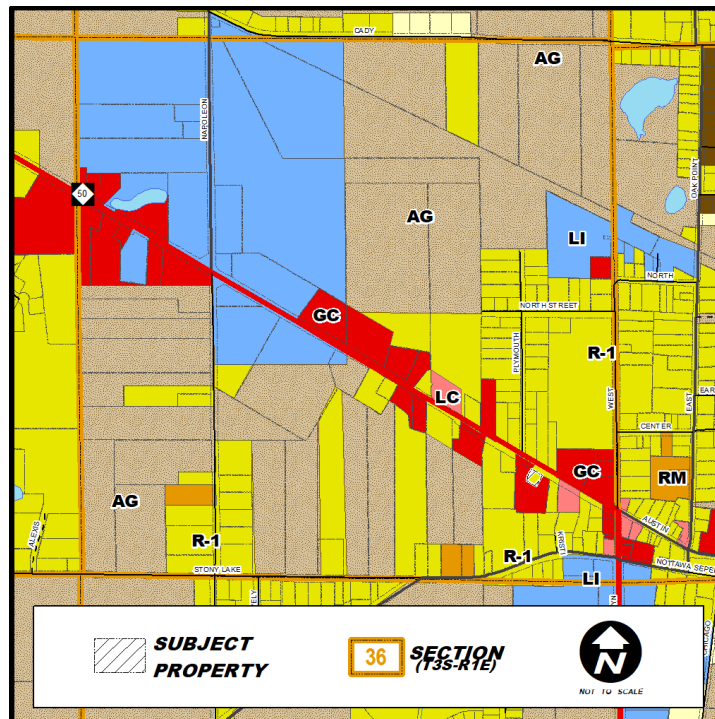


Figure 5a
Aerial Photo

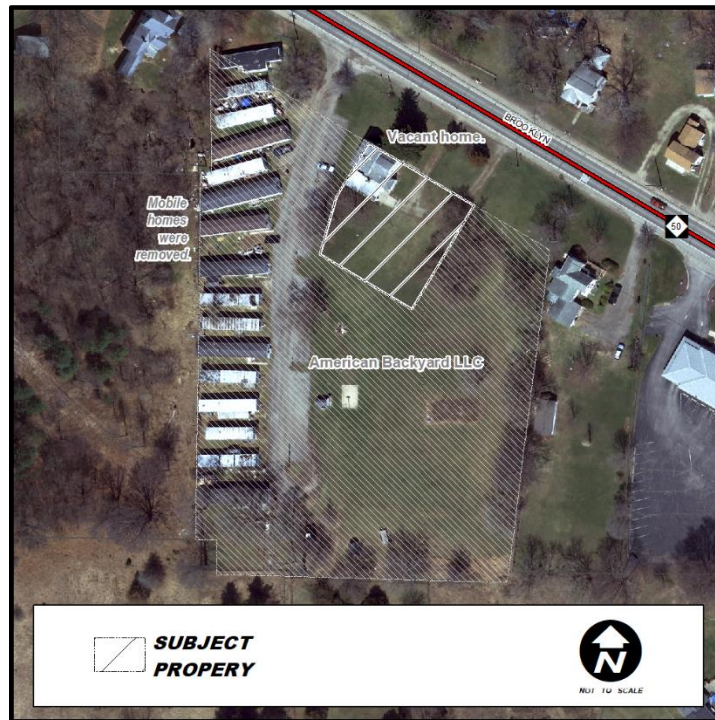


Figure 5b
Google Photo | Looking Southwest



ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/ survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Napoleon TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

000-14-36-477-003-03 - 215 West Brooklyn Rd.- 0.54 acres -Section 36 -SE 1/4

1. The above described property has a proposed zoning change FROM Residential R-1

ZONE TO General Commercial (GC) ZONE.

2. PURPOSE OF PROPOSED CHANGE:

to combine with property at 217 West Brooklyn Rd. allowing development of landscaping business American Back Yard

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.)

to combine with property at 217 West Brooklyn Rd. allowing development of landscaping business American Back Yard

C. **PUBLIC HEARING** on the above amendment was held on: month December day 17 year 2020

D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month December day 1 year 2020

(Notice must be provided at least fifteen days prior to the public hearing.)

E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: Exponent

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to (☒) APPROVE or () DISAPPROVE.

John E. Whiner, Recording Secretary 12 / 17 / 2020 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

() Recommends APPROVAL of the zoning change

() Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.

() Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.

() Takes NO ACTION.

_____ () Chair or () Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment () PASSED, () DID NOT PASS, or was () REFERRED ANEW to the Township Planning Commission.

John E. Whiner
Township Clerk

REZONING WORKSHEET FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Napoleon Township Case #: 20-12-0008

Township official we may contact: John Worden Phone #: (517) 536 - 8694

Applicant: Gregory James Phone #: (517) 937 - 9718

Rezoning Request: From: Residential (R-1) To: General Commercial (GC)

Property Location: Section(s): 36 Quarter Section(s): ☐ NW ☐ NE ☐ SW ☒ SE

Legal Description and/or Survey Map/Tax Map (please attach) ☒ Yes ☐ No (Please do not use only the Parcel ID Number)

Parcel Size (if more than one parcel, label "A" - "Z"): 0.54 acres

Please attach location map ☒ Yes ☐ No

What is the existing use of the site? Residential-Home is Vacant-215 West Brooklyn Rd.

What is the proposed use of the site? Combine with 517 West Brooklyn Rd.

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: Residential

South: Residential

East: Commercial

West: Residential

What are the surrounding Zoning Districts?

North: Residential (R-1)

South: Residential (R-1)

East: Commercial (LC)

West: Residential (R-1)

What is the suggested use of the site on the Township's Land Use Plan map? Commercial

Is municipal water currently available? ☒ Yes ☐ No Will it be made available? ☐ Yes ☐ No If yes, when? _____

Is municipal sewer currently available? ☒ Yes ☐ No Will it be made available? ☐ Yes ☐ No If yes, when? _____

Does the site have access to a public street or road? ☒ Yes ☐ No If yes, name Brooklyn Road

Are there any known environmental constraints on the site? ☐ Yes ☒ No

☐ Wetland(s) ☐ Floodplain(s) ☐ Brownfield(s) ☐ Soil(s)

☐ Other (please specify) _____

Please attach the minutes of the Planning Commission.

☒ Yes, the minutes are attached. ☐ No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.

☒ Yes, copies of documentation are attached. ☐ No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.

☒ Yes, public comments are attached. ☐ No, public comments are not attached.

Please include any additional information or comments as an attachment.

Napoleon Township Planning Commission
Minutes – December 17, 2020 – Meeting 1 of 2

Call to Order: 7:00 p.m.

Commission Members Present: Scott Miles, chair; John Hummer, recording secretary and township board liaison; Jeff Kirkpatrick; Bill Ralston; Susan Sayles.

Commission Members Absent: Jim Gray; Steve Smoyer.

Also Present: John Worden, Napoleon Township Zoning Administrator; Greg James, applicant for Case #20-12-0008.

Pledge of Allegiance

Approval of Agenda: J. Hummer requested an addition to the agenda regarding change of meeting time for the commission. There was consensus to add it after the “Public Comment” item. The chair did not request a motion to approve the agenda.

Minutes of October 22, 2020: Motion by J. Kirkpatrick, seconded by S. Sayles, to approve the October 22 minutes as presented. All Ayes. Motion passed.

Case #20-12-0008 - Rezoning 215 West Brooklyn Rd. from Residential (R-1) to General Commercial (GC) - Gregory James/Applicant/Owner: S. Miles raised the issue of a typo on the Jackson County Planning Commission Rezoning Worksheet Form. Where it states “Combine with 517 West Brooklyn Rd.” the address should be changed to “217 Brooklyn Rd.” J. Kirkpatrick commented that the conditional use permit for the property is expired. He recommended to G. James to have his architect give the planning commission a timetable as to when the commission will have the information it needs. S. Miles stated all that is on the agenda for this meeting is the rezoning request. J. Worden affirmed that, indicating several months ago James was granted the permit to operate temporarily until he could get a full site plan completed. Chris Crisenbery, a civil engineer with AE Designing Solutions, contracted by James, acknowledged that the site plan is tardy. He provided an update indicating a topographic map for the property has been completed and preliminary drawings for the driveway have been submitted to the Michigan Department of Transportation, with preliminary approval received for its location. He indicated the site plan should be complete near the end of December. MOTION by J. Hummer, seconded by S. Sayles, to recommend to the township board the rezoning of 215 West Brooklyn Rd. from R-1 to GC. All ayes. Motion passed. J. Worden indicated that the next step is consideration of approval of the rezoning by the Jackson County Planning Commission at its meeting on Jan. 14 followed by the township board at its February meeting.

Public/Commission Comment - Non-Agenda Items

Public: None.

Commission: None.

Change of Planning Commission Meeting Time: J. Hummer proposed to change the commission’s meeting time back to 6 p.m. since the time was originally changed to 7 p.m. by request of members who are no longer on the commission. MOTION by J. Kirkpatrick, seconded by J. Hummer, to change the planning commission meeting time back to 6 p.m., effective in January, 2021. All Ayes. Motion passed.

Adjourned 7:21 p.m.

John Hummer, Secretary_____

VIDEO CONFERENCING

When it is determined that a face-to-face meeting is not possible or an emergent situation arises that needs immediate attention, the Chairman of a Board or Commission may set up a video conference. During these video conferences, the following guidelines will be implemented to ensure a successful meeting.

- Members will be notified as soon as possible by the Chairman of the change to a video conference by email and/or telephone.
- A reminder telephone call of date and time of the video conference will be used. Agendas and materials will be sent via USP as usual or e-mail depending on a member's preference. Members will also be directed on how to sign in to the specific website to be used for the meeting.
- Members should be signed in completely on the video conference site **before** the start time if possible in order for the meeting to start on time and prevent disruptions once the meeting begins.
- Members utilizing video should dress appropriately by avoiding shirts or hats with anything that could be considered offensive.
- Not only can the member be seen on video, but everything within camera shot. Be aware of the background that is being shared.
- Some devices have very sensitive microphones and can pick up the slightest noises and amplify them. Once signed in, put your phone, PC or tablet on mute and **leave it on mute** unless specifically directed otherwise.
- The Chairman will look for a member to raise their hand in front of their camera in order to ask questions or comment. Once recognized, a member should unmute their mic, comment and then mute their mic again. If members are on a phone, they cannot be visually recognized. The Chairman should frequently ask if anyone on their phone wishes to speak. If you do, unmute your phone, state your name and once recognized, comment and then return your phone to mute.
- Members will speak respectfully in both words and tone to other members at all times.

NAPOLEON TOWNSHIP

PLANNING COMMISSION

Check the Township Website prior to the meeting to see if the meeting is Live
www.napoleontownship.us

OR

Via Teleconference – Gotomeeting.com

Select JOIN at the top right

Meeting ID – 787-135-293

December 17, 2020 - 7:00 P.M.

Meeting # 1

Please Note: The Chairman may ask for public comment before a formal vote of the Planning Commission is taken. All comments are directed to the Planning Commission. Public comments are limited to a maximum of 3 minutes per person. After being recognized by the Chairman, please step to the podium and state your full name and residence address for the record before giving your public comment.

Pledge of Allegiance

1. Approval of the Agenda
2. Minutes of October 22, 2020
3. **Case#20-12-0008-Rezoning 215 West Brooklyn Rd.- From Residential (R-1) to General Commercial (GC) – Gregory James/Applicant/Owner**
4. Public Comment/Commission – Non-Agenda Items
5. Adjourn

December 17, 2020 - Meeting # 2

1. Approval of the Agenda
2. Case#20-12-0009-Site Plan Review-7501 Meridian Rd.-Joe's Trailer Manufacturing-MNDN Properties LLC Livonia, MI
3. Public Comment/Commission – Non-Agenda Items
4. Adjourn

Attachments:

NOTICE

Check the Township Website prior to the meeting to see if the meeting is Live
www.napoleontownship.us

OR

Via Teleconference – Gotomeeting.com
Select JOIN at the top right
Meeting ID – 787-135-293

The Napoleon Township Planning Commission will hold a public hearing December 17, 2020 at 7:00 p.m. in the Township Hall, 6775 Napoleon Road, Jackson, MI. 49201

At this time all interested parties will be heard on the request of Gregory James of 13121 Lutz Rd., Grass Lake, MI to rezone property located at 215 West Brooklyn Rd. from Residential (R-1) to General Commercial (GC) to allow the property to be combined with the property at 217 West Brooklyn Rd. The property and request are more particularly described and on display at the Township Office.

Napoleon Township Office is open from 7:00 a.m. to 5:00 p.m. Monday – Thursday during which time the Zoning Ordinance/Zoning Map may be examined. Written comments regarding the above may be directed to the Township, or by calling (517) 536-8694 Extension 209. Napoleon Township will provide any necessary or reasonable auxiliary aids at the meeting for persons with disabilities, upon ten (10) days written notice to the Township. John Worden, Zoning Administrator

The Exponent
Insertion Date: December 1, 2020

Copy to John Hummer, Clerk



STATE OF MICHIGAN - JACKSON COUNTY
Received 10/19/2020 10:18:53 AM L 2862534
Processed 10/19/2020 10:20:01 AM DQC
Amanda L. Kirkpatrick, Clerk/Registrar of Deeds

QUIT CLAIM DEED

Grantor, GREGORY L. JAMES, a married man, whose address is 13121 Lutz Road, Grass Lake, MI 49240, Quit Claims to Grantee, THE AMERICAN BACKYARD, L.L.C., a Michigan Domestic Limited Liability Company, whose address is 7203 S. Brooklyn Rd., Jackson, MI 49201, all of his right, title, and interest in the following described premises located in the Township of Napoleon, County of Jackson, State of Michigan, to-wit:

See Exhibit A.

Commonly Known As: 215 Brooklyn Road, Jackson, MI 49201
Tax Parcel ID #000-14-36-477-003-02

for the sum of One Dollar (\$1.00). This instrument is exempt from state transfer tax pursuant to MCL 207.526(a) and county transfer tax pursuant to MCL 207.505(a).

Grantor, GREGORY L. JAMES, a married man, whose address is 13121 Lutz Road, Grass Lake, MI 49240, Quit Claims to Grantee, THE AMERICAN BACKYARD, L.L.C., a Michigan Domestic Limited Liability Company, whose address is 7203 S. Brooklyn Rd., Jackson, MI 49201, all of his right, title, and interest in the following described premises located in the Township of Napoleon, County of Jackson, State of Michigan, to-wit:

The foregoing quit claim deed was acknowledged before me on October 16, 2019, by Gregory L. James.

Commonly Known As: 215 Brooklyn Road, Jackson, MI 49201
Tax Parcel ID #000-14-36-477-003-02
The Parcel DANIELLE M. SIMMONS
Notary Public - Michigan
Jackson County
My Commission Expires Aug 1, 2021
Acting in the County of Jackson

Danielle M. Simmons
Danielle M. Simmons, Notary Public
Notary Public, Jackson County, MI
Acting in Jackson County, MI
My Commission Expires: 08.01.2021

Prepared by and, when recorded, return to:
Jeffrey T. Landon (P74077), Farhat & Story, P.C.
1003 North Washington Avenue
Lansing, MI 48906-4868
(517) 351-3700

Recording Fee: _____ State Transfer Tax: _____ P.N.T.I. Ins. No.: _____
Tax Parcel No.: 000-14-36-477-003-02

Exhibit A

215 Brooklyn Road, Jackson, MI 49201.

Being a part of the East 1/2 of the Southeast 1/4, lying South of M-50 Highway, Section 36, Town 3 South, Range 1 East, Napoleon Township, Jackson County, Michigan, more particularly described as: Beginning at a point distant of the center of M-50 Highway, North 88 degrees 22' 00" West, along the South line of the Southeast 1/4, 1319.71 feet to the East North-South 1/16 line; thence North 00 degrees 03' 37" West, along said 1/16 line 1472.56 feet to the center of M-50 highway and South 58 degrees 56' 57" East, along the center of said highway 604.20 feet from the Southeast corner of said Section; thence South 58 degrees 56' 57" East, along the center of M-50 Highway, 120.00 feet, thence South 31 degrees 03' 03" West, perpendicular to the center of M-50 Highway, 200.00 feet to a 3/4 inch pipe; thence North 58 degrees 56' 57" West, parallel with the center of M-50 Highway, 104.60 feet to a 3/4 inch pipe; thence North 15 degrees 57' 09" East, 59.13 feet to a 3/4 inch pipe; North 31 degrees 03' 03" East, perpendicular to the center of M-50 Highway, 142.91 feet to the point of beginning. Bearings are referenced to the South line of the Southeast 1/4 of section 36, Town 3 South, Range 1 East, Napoleon Township, Jackson County, Michigan. Said line bears North 88 degrees 22' 00" West according to a legal description recorded in Liber 1117, page 64, Jackson County Register of Deeds.





The intent of this map is to allow easy access and visual display of government information and services. Every reasonable effort is made to ensure the accuracy of this map and data; nevertheless, errors may occur.



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Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #21-02

To: County Planning Commissioners
From: Grant E. Bauman
Date: January 5, 2021

Proposal: Home Occupations—Medical Use of Marihuana—in Leoni Township

Background Information

Leoni Township allows medical marihuana registered primary caregivers and sees the need to regulate that use. Proposed amendments to Chapter 42—Zoning—of Leoni Township's Code of Ordinances would regulate registered primary caregivers as a type of home occupation through the addition of Section 42-355a.

Staff Analysis and Advisement

The proposed regulations (in general):

- Limit the number of registered primary caregivers per dwelling to not more than two, both of whom must be full-time residents.
- Limit each registered primary caregiver to no more than five registered qualifying patients and the cultivation of no more than twelve plants per patient.
- Requires the operation to be conducted entirely with the dwelling, attached garage, or enclosed/locked facility.
- Prohibits signage and limits material/equipment not generally associated with a dwelling to those needed by the caregiver for the growing of medical marihuana.
- Bars distribution of medical marihuana on the premises of the primary caregiver or the onsite consumption/smoking of medical marihuana by registered qualifying patients.

Staff has no issue with the development of needed standards for a use already allowed by the Township. According, this report displays the proposed addition of Section 42-355a as it will (generally) appear in Chapter 42 (if adopted), and provides comments/suggestions aimed at strengthening the regulations:

Commented [GB21]: Comments will be provided in this fashion.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

...

Sec. 42-355. - Home occupations.

...

Sec. 42-355a. - Medical use of marihuana

www.region2planning.com/jackson-county-planning-commission/

1. A registered primary caregiver, operating in compliance with the Michigan Medical Marihuana Act, hereinafter ("MMMA"), the MMMA General Rules, and the requirements of this section, shall be permitted as a type of home occupation, as regulated by this subsection. Leoni Township makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted type of home occupation is consistent with the purposes and intent of the MMMA:
 - a. The MMMA does not create a general right for individuals to use, possess, or deliver marihuana in Michigan.
 - b. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - c. The MMMA's definition of "medical use" of marihuana includes the "transfer" of marihuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
 - d. The MMMA provides that a registered primary caregiver may assist no more than five (5) registered qualifying patients with their medical use of marihuana.
 - e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marihuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of registered qualifying patients.
 - f. The health and welfare of registered qualifying patients is improved by permitting the operations of registered primary caregivers as a type of home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions and/or symptoms to obtain the benefits of the medical use of marihuana in a residential setting, without having to unnecessarily travel into commercial areas.
 - g. By permitting the operations of registered primary caregivers as a type of home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
 - i. a registered primary caregiver is not assisting more than five (5) registered qualifying patients with their medical use of marihuana, and
 - ii. a registered primary caregiver does not unlawfully expand its operations beyond five (5) registered qualifying patients, so as to become an illegal commercial operation, in the nature of a marihuana collective, cooperative or dispensary.

Commented [GB22]: Consider including the MCL citation for the Michigan Medical Marihuana Act (MCL 333.26421). Consider adding a citation for the MMA General Rules.

Commented [GB23]: Does the reference as a type of home occupation mean that the home occupation regulations contained in Sec. 42-355 also apply? Consider specifying the intent.

Commented [GB24]: Consider providing a definition for a registered primary caregiver or citing the definition if contained in another township ordinance.

Commented [GB25]: Consider providing a definition for a registered qualifying patient or citing the definition if contained in another township ordinance.

Commented [GB26]: Consider using terminology consistent with Ordinance No. 2020-4 (Adult Use Marihuana Facilities Licensing and Regulations) and/or other pertinent state/township legislation.

2. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a registered primary caregiver:
 - a. A registered primary caregiver shall not possess marihuana, or otherwise engage in the medical use of marihuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
 - b. Not more than two (2) registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
 - c. The medical use of marihuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to twelve (12) marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to twelve (12) additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
 - d. A sign identifying the type of home occupation by word, image or otherwise, or indicating that the medical use of marihuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
 - e. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
 - f. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the premises of the primary caregiver. A registered qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana.
 - g. Except for the primary caregiver, no other person shall deliver marihuana to the registered qualifying patient.
 - h. No one under the age of 18 years shall have access to medical marihuana.
 - i. No on-site consumption or smoking of medical marihuana by registered qualifying patients shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
 - j. Medical marihuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
 - k. All necessary building, electrical, plumbing and mechanical permits shall be obtained

Commented [GB27]: Consider also specifying a maximum amount of harvested medical marihuana.

for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.

- l. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- m. Related merchandise or products shall not be sold or distributed from the dwelling or property of the registered primary caregiver, apart from the permitted quantity of medical marihuana or medical marihuana derivatives.
- n. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Leoni Township Building Inspector or other individual designated by the township.
- o. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the Leoni Township Building Inspector, the Marihuana Compliance Unit, any law enforcement officer, or other individual designated by the township.
- p. The operations of a registered primary caregiver, as a type of home occupation shall be permitted only with the prior issuance of a Township permit.
- q. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
- r. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The Marihuana Compliance Unit shall review the application to determine compliance with this Ordinance.
- s. A permit shall be granted if the application demonstrates compliance with this Ordinance. The use shall be maintained in compliance with the requirements of this Ordinance. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
- t. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about registered qualifying patients associated with the registered primary caregiver, which is received by the

Commented [GB28]: Consider adding the Zoning Administrator to this listing. Consider defining marihuana compliance unit.

Commented [GB29]: Consider specifying who will grant a permit. Is it the marihuana compliance unit?

Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

3. Except as otherwise permitted by Township ordinance, or the Michigan Medical Marihuana Facilities Licensing Act, it is unlawful to establish or operate a for profit or non-profit medical marihuana dispensary, collective, grow, processing operation, cooperative or other medical marihuana use within the Township, even if such use is intended for the medical use of marihuana.
4. The use of the dwelling or other permitted facility of a registered qualifying patient to cultivate medical marihuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable Township ordinance requirements must be met.
5. The provisions of this subsection do not apply to the personal use and/or internal possession of marihuana by a registered qualifying patient in accordance with the MMMA, for which a permit is not required.
6. Should any section, sub-section, provision, word, or phrase of this Ordinance be determined to be invalid, the remaining portions of the Ordinance shall remain in full force and effect.

Commented [GB210]: Consider using terminology consistent with Ordinance No. 2020-4 (Adult Use Marihuana Facilities Licensing and Regulations) and/or other pertinent township legislation.

Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the zoning ordinance amendments regarding Home Occupations—Medical Use of Marihuana to the Leoni Township Board with the comments/suggestions made by staff (see the staff report).

Staff Report Attachments:

- Background information provided by Leoni Township.

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Leoni TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____) ZONE TO _____ (_____) ZONE.
2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE 42 SECTION 355a
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) see attached

- C. **PUBLIC HEARING** on the above amendment was held on: month Dec day 14 year 2020
- D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month Nov day 29 year 2020
(Notice must be provided at least fifteen days prior to the public hearing.)
- E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: The Salesman

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Ben Carroll ☒ Chair or ☐ Secretary 12 / 29 / 2020 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
- ☐ Recommends APPROVAL of the zoning change
- ☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- ☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- ☐ Takes NO ACTION.

_____, Recording Secretary ____ / ____ / ____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

Township Clerk

Leoni Township Office
913 Fifth Street
Michigan Center, Michigan 49254
PHONE: (517) 764-4694 FAX: (517) 764-1380
Leonitownship.com

PLANNING COMMISSION MINUTES - DRAFT
December 16th, 2020

The Leoni Township Planning Commission held a meeting Wednesday, December 16th, 2020 @ 6:00pm via the Zoom.us conferencing suite.

Meeting opened to call of the Chair: 6:00pm

Members Present: J. Southworth, D. Helmlinger, V. Beckwith, L. Maurer, B. Lester, B. Carroll, R. Kinch
Members Absent:

Persons in Attendance: 21 (count from Zoom)

*Motion by B. Carroll, supported by D. Helmlinger to **approve** the agenda moving Residential Zoning Amendments to NB Item #1, Adding Planning Commission Bylaws to OB Item #1, and adding Resolution Regarding Jackson County Planning Commission Appointment to NB item #4*
Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Lester, R. Kinch, B. Carroll
Nay:

Motion Carried via Roll Call

*Motion by J. Southworth, supported by V. Beckwith to **approve** the minutes from 12/2/20*

Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Lester, R. Kinch, B. Carroll
Nay:

Motion Carried via Roll Call

Public Comment: **Open at 6:07pm**
 Closed at 6:07pm

OLD BUSINESS:

*Motion by D. Helmlinger, supported by L. Maurer to **approve** the Planning Commission Bylaw Amendments with Attorney Guy Conti's revisions*

Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Lester, R. Kinch, B. Carroll
Nay:

Motion Carried via Roll Call

NEW BUSINESS:

Public Hearing: **Open at** **6:14pm**
 Closed at **6:14pm**

*Motion by D. Helmlinger, supported by J. Southworth to **recommend** as written the amendments to Residential Zoning Districts to give guidelines for caregiver grow operations (42-355a – “Medical Use of Marihuana”), as a Home Occupation*

Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Lester, R. Kinch, B. Carroll
Nay:

Motion Carried via Roll Call

Public Hearing: **Open at** **6:23pm**
 Closed at **6:24pm**

*Motion by L. Maurer, supported by D. Helmlinger to **recommend** approval of the conditional use for 4427 Allison Drive*

Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Lester, R. Kinch, B. Carroll
Nay:

Motion Carried via Roll Call

*Motion by B. Carroll, supported by J. Southworth to **approve** the 2021 Planning Commission Regular Meeting Schedule with removing March 24th, changing May 12th to May 19th, and fixing the few typos*

Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Lester, R. Kinch, B. Carroll
Nay:

Motion Carried via Roll Call

*Motion by B. Carroll, supported by L. Maurer to **resolve** to condemn the appointment of Pat Gallagher to the Jackson County Planning Commission*

Voice vote

Ayes: D. Helmlinger, J. Southworth, V. Beckwith, L. Maurer, B. Carroll
Nay: B. Lester, R. Kinch,

Motion Carried via Roll Call

Public Comment: **Open at** **6:57pm**
 Closed at **6:57pm**

*Motion by B. Carroll, supported by J. Southworth to **adjourn** the meeting*

Ayes: D. Helmlinger, J. Southworth, L. Maurer, V. Beckwith, B. Lester, B. Carroll, R. Kinch
Nay:

Motion Carried via Roll Call

Adjourned at 6:59pm

Next meeting: January 6th, 2020

DRAFT

LEONI TOWNSHIP NOTICE

The Leoni Township Planning Commission will hold a ZOOM Public Hearing, Wednesday, December 16, 2020 at 6:00 P.M. in the Leoni Township Meeting Hall, 913 Fifth St., Michigan Center, Michigan, 49254.

“This meeting is being held by ZOOM because of the COVID-19 State of Emergency and in conformance with Executive Orders issued by the Governor of the State of Michigan.”

Please visit the Leoni Township website at <http://www.leonitownship.com> prior to the meeting for instructions regarding remote access and any updates that may be needed due to COVID-19 requirements.

Purpose of hearing: Hear public input regarding amendments to Residential Zoning Districts to give specific guidelines for caregiver grow operations.

Leoni Township 517-936-2305
Pamela Trammell, Deputy Clerk

2x4

Eastern - 11.29.20

\$98.80

-35%

\$64.22

LEONI TOWNSHIP ORDINANCE NO. 2020-6

“HOME OCCUPATIONS – MEDICAL USE OF MARIHUANA”

AN ORDINANCE OF LEONI TOWNSHIP, JACKSON COUNTY, MICHIGAN, TO ESTABLISH LAND USE AND ZONING REQUIREMENTS; TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF LEONI TOWNSHIP; AND TO PROVIDE REGULATIONS FOR THE MEDICAL USE OF MARIHUANA IN THE COURSE OF A HOME OCCUPATION.

LEONI TOWNSHIP ORDAINS:

42-355a Medical use of marihuana

1. A registered primary caregiver, operating in compliance with the Michigan Medical Marihuana Act, hereinafter (“MMMA”), the MMMA General Rules, and the requirements of this section, shall be permitted as a home occupation, as regulated by this subsection. Leoni Township makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
 - a. The MMMA does not create a general right for individuals to use, possess, or deliver marihuana in Michigan.
 - b. The MMMA’s protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals’ marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
 - c. The MMMA’s definition of “medical use” of marihuana includes the “transfer” of marihuana “to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition,” but only if such “transfer” is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
 - d. The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marihuana.
 - e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marihuana to more than five

persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.

- f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions symptoms to obtain the benefits of the medical use of marihuana in a residential setting, without having to unnecessarily travel into commercial areas.
- g. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this promotes the MMMA's purpose of ensuring that:
 - i. a registered primary caregiver is not assisting more than five (5) qualifying patients with their medical use of marihuana, and
 - ii. a registered primary caregiver does not unlawfully expand its operations beyond five (5) qualifying patients, so as to become an illegal commercial operation, in the nature of a marihuana collective, cooperative or dispensary.
- 2. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver:
 - a. A registered primary caregiver shall not possess marihuana, or otherwise engage in the medical use of marihuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
 - b. Not more than two (2) registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
 - c. The medical use of marihuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to twelve (12) marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to twelve (12) additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
 - d. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marihuana is taking place on the

premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.

- e. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- f. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana.
- g. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.
- h. No one under the age of 18 years shall have access to medical marihuana.
- i. No on-site consumption or smoking of medical marihuana by qualifying patients shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- j. Medical marihuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
- k. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- l. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- m. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marihuana or medical marihuana derivatives.
- n. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where

energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the Leoni Township Building Inspector or other individual designated by the township.

- o. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the Leoni Township Building Inspector, the Marihuana Compliance Unit, any law enforcement officer, or other individual designated by the township.
 - p. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a Township permit.
 - q. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
 - r. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place. The zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The Marihuana Compliance Unit shall review the application to determine compliance with this Ordinance.
 - s. A permit shall be granted if the application demonstrates compliance with this Ordinance. The use shall be maintained in compliance with the requirements of this Ordinance. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
 - t. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.
3. Except as otherwise permitted by Township ordinance, or the Michigan Medical Marihuana Facilities Licensing Act, it is unlawful to establish or operate a for-profit or nonprofit medical marihuana dispensary, collective, grow, processing

operation, cooperative or other medical marihuana use within the Township, even if such use is intended for the medical use of marihuana.

4. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marihuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable Township ordinance requirements must be met.
5. The provisions of this subsection do not apply to the personal use and/or internal possession of marihuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.
6. Should any section, sub-section, provision, word, or phrase of this Ordinance be determined to be invalid, the remaining portions of the Ordinance shall remain in full force and effect.