

**KEENE TOWNSHIP
IONIA COUNTY, MICHIGAN**

**ORDINANCE NO. 9-13-22 B
ADOPTED DATE 9-13-2022**

EFFECTIVE DATE: 10-1-2022

**AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE
TO REGULATE CERTAIN ADULT-USE MARIHUANA ESTABLISHMENTS
AS A SPECIAL LAND USE**

Section 1. Amendment of Section 5.03 of Township Zoning Ordinance

Section 5.03 of the Township Zoning Ordinance, entitled “Permitted Principal Special Uses with Conditions” applicable to the Agricultural District (“AG”) Zoning District, is amended to add new Subparagraph H, which reads as follows:

Adult-Use Marihuana Growers (Class B and Class C), subject to Ordinance No. 9-13-22 A and Article XII, Section 12.29 of this Zoning Ordinance.

Section 2. Amendment of Section 5.05 of Township Zoning Ordinance

Section 5.05 of the Township Zoning Ordinance, entitled “Permitted Accessory Uses with Conditions” applicable to the Agricultural (“AG”) Zoning District, is amended to add new Subparagraph C, which reads as follows:

Adult-Use Marihuana Growers (Class B and Class C), subject to Ordinance No. 9-13-22 A and Article XII, Section 12.29 of this Zoning Ordinance.

Section 3. Amendment of Section 6.03 of Township Zoning Ordinance

Section 6.03 of the Township Zoning Ordinance, entitled “Permitted Principal Special Uses with Conditions” applicable to the Agricultural Residential (“AR”) Zoning District, is amended to add new Subparagraph H, which reads as follows:

Adult-Use Marihuana Growers (Class B and Class C), subject to Ordinance No. 9-13-22 A and Article XII, Section 12.29 of this Zoning Ordinance.

Section 4. Amendment of Section 6.05 of Township Zoning Ordinance

Section 6.05 of the Township Zoning Ordinance, entitled “Permitted Accessory Uses with Conditions” applicable to the Agricultural Residential (“AR”) Zoning District, is amended to add new Subparagraph B, which reads as follows:

Adult-Use Marihuana Growers (Class B and Class C), subject to Ordinance No. 9-13-22 A and Article XII, Section 12.29 of this Zoning Ordinance.

Section 5. Amendment of Section 12.09 of Township Zoning Ordinance

Section 12.09 of the Township Zoning Ordinance, entitled “Specific Special Land Use Standards,” is amended to add new Subparagraph Q, which reads as follows:

Adult-Use Marihuana Growers (Class B and Class C), subject to Ordinance No. 9-13-22 A and Article XII, Section 12.29 of this Zoning Ordinance.

Section 6. Addition of New Section 12.29 to Township Zoning Ordinance

The Township adds new Section 12.29 to the Township Zoning Ordinance, which reads as follows in its entirety:

Section 12.29 – Adult-Use Marihuana Growers (Class B and C)

Adult-use marihuana growers are subject to the following requirements, in addition to other applicable provisions of this Zoning Ordinance and the Township Code of Ordinances:

- A. Establishments must comply with the MRTMA and the MRTMA Rules, as well as any other applicable state laws or regulations.
- B. Establishments must be sufficiently screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.
- C. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation to minimize the risk of theft or harm resulting from chemical exposure.
- D. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
- E. Signage for marihuana establishments may be approved pursuant to the generally applicable procedures and standards provided in Article XVIII of this Zoning Ordinance (“Signs”), with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.

- F. The following minimum-distancing regulations apply to establishments:
1. An establishment may not be located within 1,000 feet of a public or private K-12 school or a college or university or a church.
 2. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana establishment.
- G. Odor Control. Marihuana growers must control and eliminate odor as follows:
1. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.
 2. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fans must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filters shall be rated for the applicable CFM.
 3. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers' recommendation to ensure optimal performance.
 4. Negative air pressure must be maintained inside the building.
 5. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.
 7. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building's exterior structure.

Section 7. Effective Date.

This Ordinance shall be effective seven (7) days after publication.

Section 8. Repeal.

Any ordinance inconsistent with this Ordinance shall be repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 9. Adoption

ADOPTED:

Yeas: 4

Nays: 0

Abstain: 0

Absent: 0 (one open unfilled Trustee position)

STATE OF MICHIGAN)
)
COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Keene Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 13th day of September 2022.

Tami Hardy
Keene Township Clerk

Published Date: 9-24-2022

Note – class B Grower is up to 500 plants, class C grower is up to 2000 plants per license