

Houghton County Planning Commission

Zoom Virtual Meeting:

<https://us02web.zoom.us/j/88227954945?pwd=T2pJeGl1N0h6ZzISeVZYM1NYODd3QT09>

[Meeting ID: 882 2795 4945](#)

Tuesday, Nov 17th, 2020, 4 PM EST

AGENDA

1. **Call to order and roll call.**
2. **Public Comments**
3. **Agenda-Additions or Changes**
4. **Approval of Minutes-February, 2020**
5. **Correspondence**
6. **Old Business**
7. **New Business**
 - A. **Calumet Township proposed zoning amendment**

Announcements

8. **Next Meeting:**
December 15, 2020 at 4 PM
9. **Public Comment**
10. **Adjournment**

[HORST SCHMIDT is inviting you to a scheduled Zoom meeting.](#)

[Topic: HCPC](#)

[Time: Nov 17, 2020 04:00 PM Eastern Time \(US and Canada\)](#)

[Join Zoom Meeting](#)

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Meeting ID: 882 2795 4945

Passcode: 323056

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/88227954945>



CHARTER TOWNSHIP OF CALUMET

HOUGHTON COUNTY

25880 RED JACKET ROAD • CALUMET, MICHIGAN 49913

PHONE: 906-337-2410 • FAX: 906-337-2416

www.CalumetTownship.org • calumettownship@pasty.net

October 23, 2020

Houghton County Planning Commission
401 E Houghton Ave.
Houghton, MI 49931

Commissioners,

I have enclosed a proposed amendment to section 3.10 of The Charter Township of Calumet Zoning Ordinance for your review.

Thank you,

Tim Gasperich
Supervisor
Calumet Township
caltwpsupervisor@gmail.com
906-337-2410 ext1

**CHARTER TOWNSHIP OF CALUMET, COUNTY OF HOUGHTON, STATE OF MICHIGAN
ORDINANCE NO. _____**

(Revised per Planning Commission Meeting of October 15, 2020)

**AN AMENDMENT TO SECTION 3.10 OF THE CHARTER TOWNSHIP OF CALUMET ZONING
ORDINANCE TO PERMIT MARIHUANA ESTABLISHMENTS
IN MANUFACTURING-INDUSTRIAL DISTRICTS**

An amendment to the zoning ordinance to allow marihuana establishments to operate within Manufacturing-Industrial districts in the Charter Township of Calumet and to provide the administrative procedures and effective date for this zoning amendment.

Purpose

In 2019, the Charter Township of Calumet adopted Ordinance No. 42, temporarily prohibiting recreational marihuana establishments within the township pending review of rules to be adopted by the Department of Licensing and Regulatory Affairs (“LARA”) implementing the Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal 1 of 2018, codified as MCL 333.27951, et. seq. (“MRTMA”) and until the public had a full opportunity to be heard on whether marihuana establishments of any type should be allowed within the Township, and if so, what type of marihuana establishments should be allowed and what type of restrictions should be imposed on marihuana establishments to preserve the public, health, property, and public peace of the Township.

The Township is now considering the repeal of Ordinance No. 42 and adopting an ordinance allowing certain marijuana establishments within the Township. The Township believes, however, that adoption of an ordinance allowing marijuana establishments with the Township must be preceded by an amendment to the zoning ordinance to clearly provide that marihuana establishments are permitted in the Township, to set forth where marijuana establishments are permitted, and to set forth local regulations for marihuana establishments.

THE CHARTER TOWNSHIP OF CALUMET ORDAINS:

**SECTION I
TITLE**

This zoning amendment shall be known as and may be cited as the Charter Township of Calumet Ordinance Permitting Marihuana Establishments in Manufacturing-Industrial Districts.

**SECTION II
TEXT OF AMENDMENT**

Section 3.10 of the Charter Township of Calumet Zoning Ordinance is amended as follows:

A New Sub-Section 5 is Added Below Existing Sub-Section D 4.:

5. Operation of a “marihuana establishment,” as defined in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951, et seq (“MRTMA”):

- a. Marihuana retailer;
- b. Marihuana safety compliance facility;
- c. Marihuana secure transporter;
- d. Marihuana processor;
- e. Marihuana microbusiness; or
- f. Marihuana grower.

Provided that the marijuana establishment has been licensed by the Michigan Department of Licensing and Regulatory Affairs ("LARA") and has obtained a municipal license from the Township pursuant to an ordinance adopted by the Township.

A New Sub-Section 3 is Added Below Existing Sub-Section E 2.:

3. The following apply to all marihuana establishments, unless otherwise noted.

a. Operating Requirements.

- i. A marihuana establishment may not operate a marihuana establishment at any place in the Township other than the address provided in the application on file with the Township Clerk.
- ii. A marihuana establishment must operate the marihuana establishment in compliance with all applicable provisions of MRTMA, all applicable LARA regulations, and all applicable ordinances of the Charter Township of Calumet.

b. Separation Requirements.

- i. A marihuana establishment, including any outdoor cultivation area, may not be located within 1,000 feet of the following protected uses:
 - A. The boundary of a residential district.
 - B. A private or public preschool, elementary, secondary, vocational or trade school, college or university.
 - C. A public library.
 - D. A housing facility owned by a public housing authority.
- ii. A marihuana establishment, including any outdoor cultivation area, may not be located within 500 feet of the following protected uses:
 - A. A state-licensed childcare center.
 - B. A church, synagogue, temple, mosque, or other place of religious worship.
 - C. A public pool, recreation facility, park or playground.
 - D. A public or private youth center.
 - E. A transitional residence, correctional facility or substance abuse rehabilitation or treatment center.

Separation distances shall be measured from the nearest property line of a protected use to the nearest portion of the property line in which the marihuana establishment is located.

Only protected uses in existence at the time of application for a municipal license from the Township shall be considered in determining whether the separation requirements have been met. The marihuana establishment shall not be deemed to be in violation of the separation requirements as a result of uses that commence after it makes its application for a municipal license, unless the marihuana establishment proposes to change or expand its location, in which case the separation requirements shall apply to permitted uses in existence when the request to change or expand a location is made.

“Playground” means any outdoor facility intended for recreation, open to the public, and with any portion containing three or more separate apparatus intended for the recreation of children. “Youth Center” means any recreational facility and/or gymnasium intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

c. Outdoor Cultivation of Marihuana Only Permitted for Marihuana Growers.

All marihuana establishment facilities and operations must be within an enclosed building or buildings, except that a marihuana establishment licensed by LARA as a Class A, Class B, or Class C marihuana grower may cultivate marihuana in an outdoor area if permitted to do so under MRTMA and regulations adopted by LARA and subject to the following conditions.

- i. The cultivation area is contiguous with a facility building.
- ii. The cultivation area is fully enclosed by fences or barriers that block outside visibility of the marihuana plants from public view.
- iii. Marihuana plants do not grow above the height of the fence or barrier.
- iv. The fence is secured and only accessible to authorized persons and emergency personnel.

SECTION III PROCEDURES AND EFFECTIVE DATE

The proposed zoning amendment was discussed in a public hearing before the Calumet Township Planning Commission on October 15, 2020. The Calumet Township Planning Commission voted to recommend adoption of the zoning amendment following the public hearing with specified changes that have been adopted herein, and the proposed zoning amendment will be submitted to the Houghton County Planning Commission for review and recommendation pursuant to Section 307 of the Michigan Zoning Enabling Act (MZEA) and Section 11 of the Houghton County Planning Commission’s Bylaws. After the review and recommendation of the Houghton County Planning Commission has been received, the Calumet Township Planning Commission will send all recommendations to the Township Board for consideration at a public hearing. The Township Board will then determine whether to approve or disapprove the zoning amendment or take other action on the zoning amendment. If the Township Board votes to approve the zoning amendment, notice of adoption of the zoning amendment will be published within 15 days of adoption in compliance with Section 401(9) of the MZEA. A copy of the adopted zoning amendment will also be filed with the Calumet Township Clerk and mailed to any airport managers entitled to notice. If adopted, the zoning amendment will be effective seven days after notice

of adoption has been published unless notice of intent to circulate a referendum petition is filed pursuant to Section 401(6) of the MZEA.

Submission of Rezoning Request to Calumet Township Planning Commission:
September 24, 2020.

Publication of Notice of Public Hearing by Calumet Township Planning Commission: September 28, 2020.

Date of Public Hearing by Calumet Township Planning Commission: October 15, 2020

Submission to Houghton County Planning Commission for review and recommendation:
_____, 2020

Return of Review and Recommendation by Houghton County Planning Commission
_____, 2020

Submission of Planning Commissions' recommendations to Calumet Township Board
_____, 2020

Publication of Notice of Public Hearing by Calumet Township Board: _____, 2020

Date of Public Hearing by Calumet Township Board: _____, 2020

Publication of Notice of Adoption: _____, 2020

Charter Township of Calumet
Beth Salmela, Clerk
25880 Red Jacket Road
Calumet, MI 49913
Tel: (906) 337-2410

Charter Township of Calumet
Timothy Gasperich, Supervisor
25880 Red Jacket Road
Calumet, MI 49913
Tel: (906) 337-2410

- c. Rear - 20 feet
- 2. Building Height
 - a. 35 feet maximum
- 3. Required Conditions: All parking shall be located in rear or side of building.

3.10 MANUFACTURING-INDUSTRIAL DISTRICT (MI):

A. PURPOSE:

This Manufacturing-Industrial (MI) District is established to provide areas in which manufacturing, industrial and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional and retail uses. Moderate performance standards must be established.

B. PERMITTED USES:

- 1. Industry, warehouse, food processing, laboratories, offices.

C. ACCESSORY USES: Off-street parking and loading as regulated in Section 4 of this Ordinance.

D. SPECIAL USES:

- 1. Mining, smelting, gravel and sand extraction.
- 2. Junkyard, scrap yard, salvage yard.
 - a. Any junkyard, scrap yard or salvage yard for which permission and a permit are granted shall at all times be subject to the performance standards established in this Ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between a thoroughfare and such fence or screen is expressly prohibited. All activities shall be confined within said enclosure, and no equipment or materials shall be used or stored outside of the fenced-in area. Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space. Such uses shall be established and maintained in accordance with all applicable regulations of the Federal Government and the State of Michigan.

Such use shall not be conducted within fifty (50) feet of any property line or within one hundred (100) feet of any public street or highway.

Permits for such use shall be renewable on an annual basis provided that those requirements stated herein and any additional conditions concerning site development or operation of the use specified by the Calumet Charter Township Board of Trustees are satisfied.

3. Slaughter houses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.
4. Public utility and service uses such as electric sub-stations, gas regulator stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. See Section 7 of this Ordinance.

E. SPECIAL REGULATIONS:

1. Processing and storage may take place within buildings or outdoors.
2. Storage, auxiliary to the principal use, is permitted in the open, but not within twenty (20) feet of the property line.

F. AREA REQUIREMENTS:

1. Lot - 1 acre.
2. Minimum Yards:

Front - 50 feet from right-of-way of any street or road.

Side and Rear Yards - 20 feet from all lot lines.

3.11 MULTI-FAMILY RESIDENCE DISTRICT (R4):

A. PERMITTED USES: Two-family and multi-family dwellings.

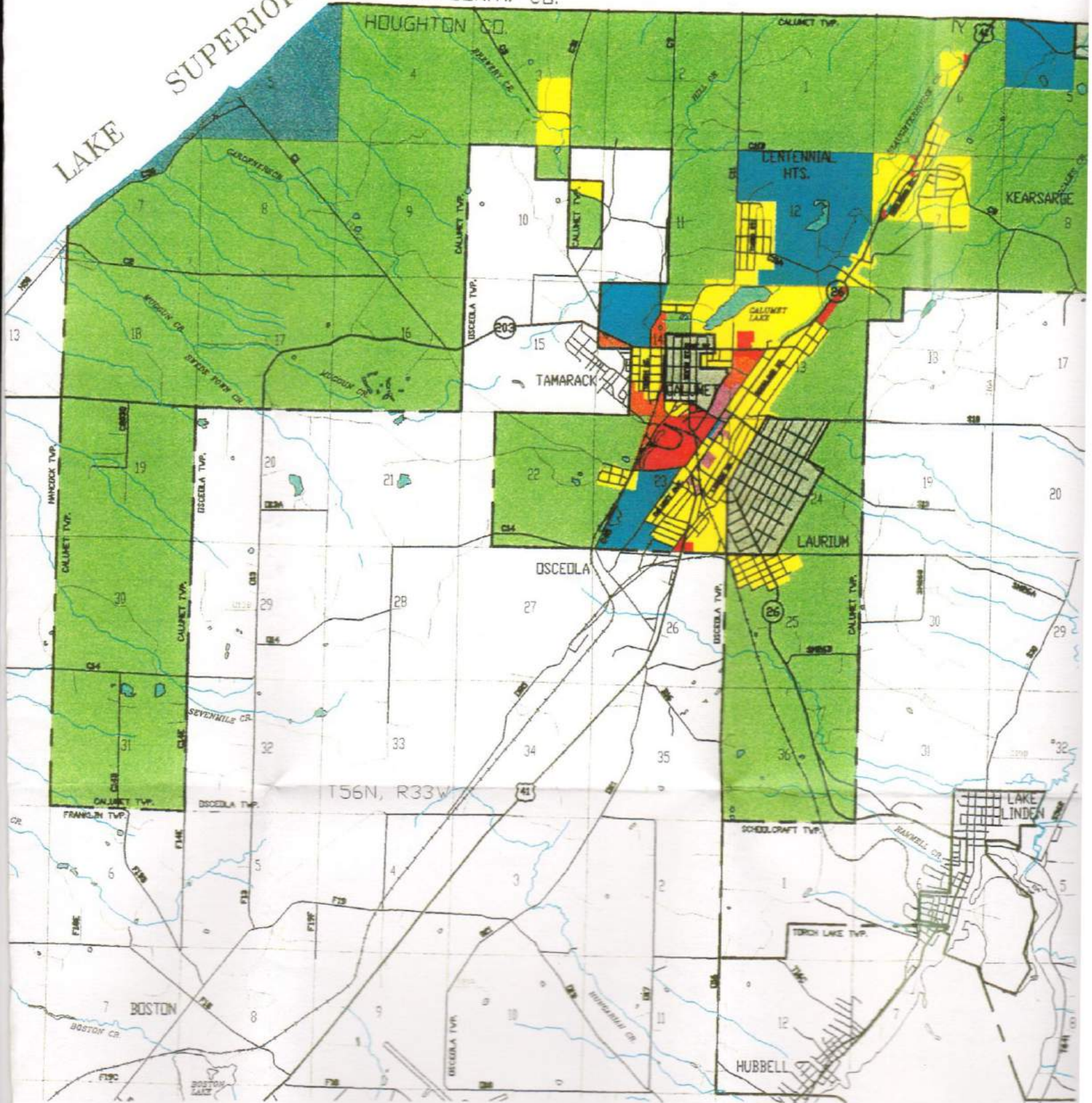
B. ACCESSORY USES:

1. Private garages.
2. Off-street parking as regulated in Section 4 of this Ordinance.

LAKE SUPERIOR

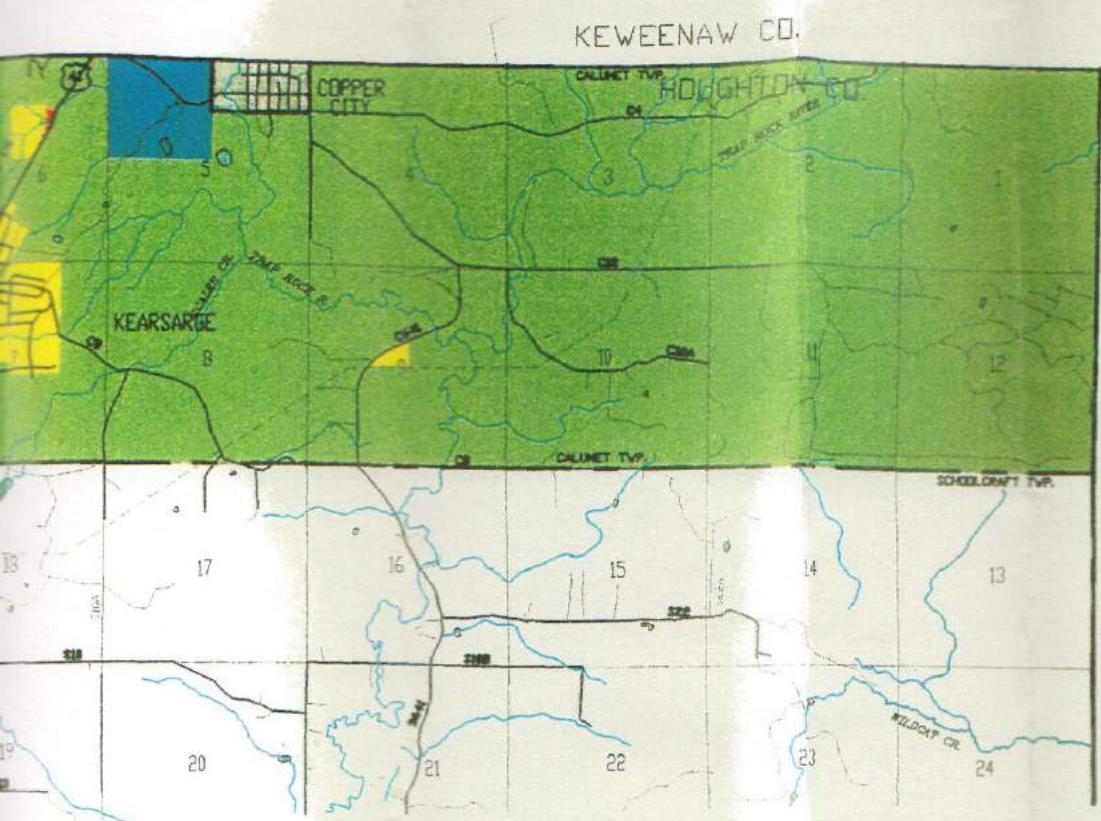
KEWEENAW CO.

HOUGHTON CO.





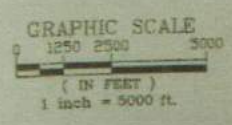
CALUMET TOWNSHIP
 OFFICIAL ZONING MAP
 CALUMET TOWNSHIP, MICHIGAN



ZONING DISTRICTS

LEGEND

- = R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- = R-2 RESORT RESIDENTIAL DISTRICT
- = R-3 RURAL RESIDENTIAL DISTRICT
- = R-4 MULTI FAMILY DISTRICT
- = C-1 COMMERCIAL ZONE DISTRICT
- = C-2 OFFICE DISTRICT
- = M-1 MANUFACTURING -- INDUSTRY
- = VILLAGE LIMITS



DESIGNED: P. COLEMAN
 DRAWN: D. SALMON
 DATE: 11-22-00
 JOB NO. C01-99173
 CAD FILE: C01-Z0

