

CHARTER TOWNSHIP OF COMSTOCK

ORDINANCE NO. 527

ADOPTED: MAY 23, 2022

**EFFECTIVE: EIGHT DAYS FOLLOWING
PUBLICATION AFTER ADOPTION**

An Ordinance to adopt various amendments to the Comstock Charter Township Zoning Ordinance to add a definition of primary caregiver and establish location and use standards for same; modify the definition of home occupation, the regulations for parking of trailers on residential properties, the provisions for fences, and signs in the Comstock Center district; to clarify essential services and public utility land uses in the residential and industrial districts; to amend permitted uses in the Light Manufacturing District; and to repeal all ordinances or parts of ordinances in conflict herewith.

**CHARTER TOWNSHIP OF COMSTOCK
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
ADDITION OF SECTION 2.01.74.a
PRIMARY CAREGIVERS**

The Comstock Charter Township Zoning Ordinance is hereby amended adding a new section, Section 2.01.74.a, to read as follows:

Sec. 2.01.74.a

Sec. 2.01.74.a *Primary Caregivers*. A person who is at least 21 years old, registered with the State of Michigan as a Medical Marijuana Caregiver, and who has agreed to assist with a qualifying patient's medical use of cannabis and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, Public Act 175 of 1927.

**SECTION II
AMENDMENT OF SECTION 2.01.43
HOME OCCUPATION**

Section 2.01.43 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 2.01.43

Sec. 2.01.43 *Home occupation*: Any full or part-time occupation customarily conducted entirely within a dwelling by the inhabitants thereof complying with the following conditions and limitations:

- a. It is conducted entirely within the dwelling or attached garage.
- b. It does not involve employees other than persons having their principal residence in the dwelling.
- c. It is clearly incidental and secondary to the principal use of the dwelling for dwelling purposes and does not change the character thereof.
- d. It does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazard or the like, involved in or resulting from such activity.
- e. No article or service is sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupation.
- f. It shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
- g. It may have one (1) non-illuminated nameplate, not more than two (2) square feet in area, which shall be attached to the building and contain only the name and occupation of the resident of the premises.
- h. The following shall not be deemed home occupations: medical clinics or offices, hospitals, nurseries, child care facilities, barber shops and beauty parlors (except barber shops and beauty parlors limited to only one operator provided there is sufficient off-street parking to accommodate peak parking demands as determined by the Planning Commission), tea rooms, veterinarian clinics or offices, tourist homes, kennels, and millinery shops, and other occupations determined by the Planning Commission to be similar to the above. Registered primary caregiver activities are excluded unless the registered primary caregiver is also the qualifying patient and is only a caregiver for his/herself. All growing of marijuana must incur indoors; outdoor growing is prohibited. Registered primary caregivers under this section are subject to Subsections 1, 2, 5, 9, 10, and 11 of Section 21.28.
- i. An occupation that meets all of the criteria for a home occupation set forth above (except subsection "g"), that does not have a sign, and that does not involve any physical presence at the dwelling by customers or by business associates not residing in the dwelling shall be allowed as a permitted accessory use and shall not be deemed a home occupation requiring a special exception use permit.

SECTION III
ADDITION OF SECTION 18.031
PRIMARY CAREGIVERS

Section 18.031 is added to the Comstock Charter Township Zoning Ordinance to read as follows:

Sec. 18.031

Sec. 18.031 Primary Caregivers, pursuant to Section 21.28.

SECTION IV
ADDITION OF SECTION 21.28
PRIMARY CAREGIVERS

Section 21.28 is added to the Comstock Charter Township Zoning Ordinance to read as follows:

Sec. 21.28

Sec. 21.28 Primary Caregivers

Use standards. The following regulations shall apply to all primary caregivers:

- 1) The medical use of cannabis and the amount of cannabis and cannabis plants in the possession of the primary caregiver on the premises shall comply at all times and in all circumstances with the MMMA and the Administrative Rules of the Michigan Cannabis Regulatory Agency, as they may be amended from time to time, and the requirements of this ordinance;
- 2) A registered primary caregiver shall not be located on lot that adjoins or is adjacent to any property used for a nursery school, day nursery, day care center, state licensed day care home, house of worship or a public, parochial or private elementary, intermediate, or secondary school offering courses in general education;
- 3) Not more than five (5) qualifying patients shall be assisted per primary caregiver with the medical use of cannabis;
- 4) Not more than five (5) primary caregivers shall be permitted to service qualifying patients on a lot;
- 5) All medical cannabis shall be contained within the main building in an enclosed, locked facility inaccessible on all sides, including top and bottom, and equipped with locks or other security devices that permit access only by the registered primary caregiver.
- 6) If more than one primary caregiver is located within a single building, each enclosed locked facility for cannabis must be identified on a floor plan that is approved by the Township as part of a site plan;

- 7) Each individual enclosed locked facility shall receive a valid certificate of occupancy from the Building Official before the presence of cannabis is allowed;
- 8) Each enclosed locked facility must be separate from any other enclosed locked facility and shall be maintained enclosed and locked;
- 9) All required building, electrical, plumbing and mechanical permits shall be obtained, inspected, and approved by the Building Official or his/her designee for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of cannabis are located, and for any improvements to the structure relating to the use;
- 10) The structure shall be designed and maintained in a manner consistent with other permitted uses in the zoning district within which it is located. Grow lights, plants, growing and processing areas and related products and operational areas shall not be visible from any property line. If exterior windows are located in these areas, they shall be frosted, screened or otherwise modified to the satisfaction of the approving body so that the use, as described above, is not visible from any property line;
- 11) All primary caregivers shall include odor control methods that follow industry best practices for removal of odor so that odor from the operation is not discernable beyond the property line of the zoning lot. Such methods shall be subject to approval of the approving body, including but not limited to activated carbon filters/scrubbers, internal exhaust fans, odor neutralizers, and air purifiers, to be included as part the approval process. Ozone generators shall not be permitted as an odor neutralization method;
- 12) The on-site delivery or sale of cannabis from a primary caregiver to a qualified patient on the lot upon which the primary caregiver is operating is prohibited;
- 13) Use or consumption in any manner of cannabis or any illegal controlled substance is not permitted by any person on the premises of any primary caregiver; and
- 14) No alcoholic beverage shall be sold, conveyed or consumed on the premises of any primary caregiver, nor shall any person be present on the premises of a primary caregiver while intoxicated and/or under the influence of alcohol or any controlled substance.
- 15) Any approval granted hereunder shall be for a period one year at which time a new application for approval shall be heard and determined anew based upon circumstances then existing.
- 16)

SECTION V
DELETION OF SECTION 4.02.8
STORM AND SANTIARY SEWER DISPOSAL

Section 4.02.8 of the Comstock Charter Township Zoning Ordinance is hereby deleted in its entirety.

SECTION VI
AMENDMENT OF SECTION 4.05
PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS, BOATS AND
SIMILAR ITEMS

Section 4.05 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 4.05 Campers and travel trailers, motor homes, snowmobile trailers, boats, jet skis, utility trailers and similar items may be parked or stored outdoors in any zoning district on developed lots used for residential purposes, including contiguous lots under common ownership, subject to the following conditions:

- a. Such items may be parked or stored in the rear yard a minimum of five (5) feet from the property lines, or in the front or side yard a minimum of five (5) feet from the side lot line of such property. Such parking or storage in the front or side yard may not obstruct the clear view of traffic for vehicles exiting from any driveway on adjoining property and must be on a paved or graveled surface.
- b. No such items may be connected to water, gas or sanitary facilities or be used for lodging or housekeeping purposes while so stored or parked for any more than a total of fifteen (15) days in a calendar year, with such calendar year running from January 1 to December 31 annually.
- c. Such items must have a current license and/or registration if applicable, be owned by an occupant or owner of the premises on which the item is stored or an immediate family member of such person and be capable of being safely and legally driven if motor home or towed in the case of a trailer.
- d. An open trailer may not be used for storage. Open trailers must be empty when parked or stored outside.
- e. No more than two (2) above-described items may be parked or stored outside on a lot at any time.

SECTION VII
AMENDMENT OF SECTION 4.06.a(5)
FENCES

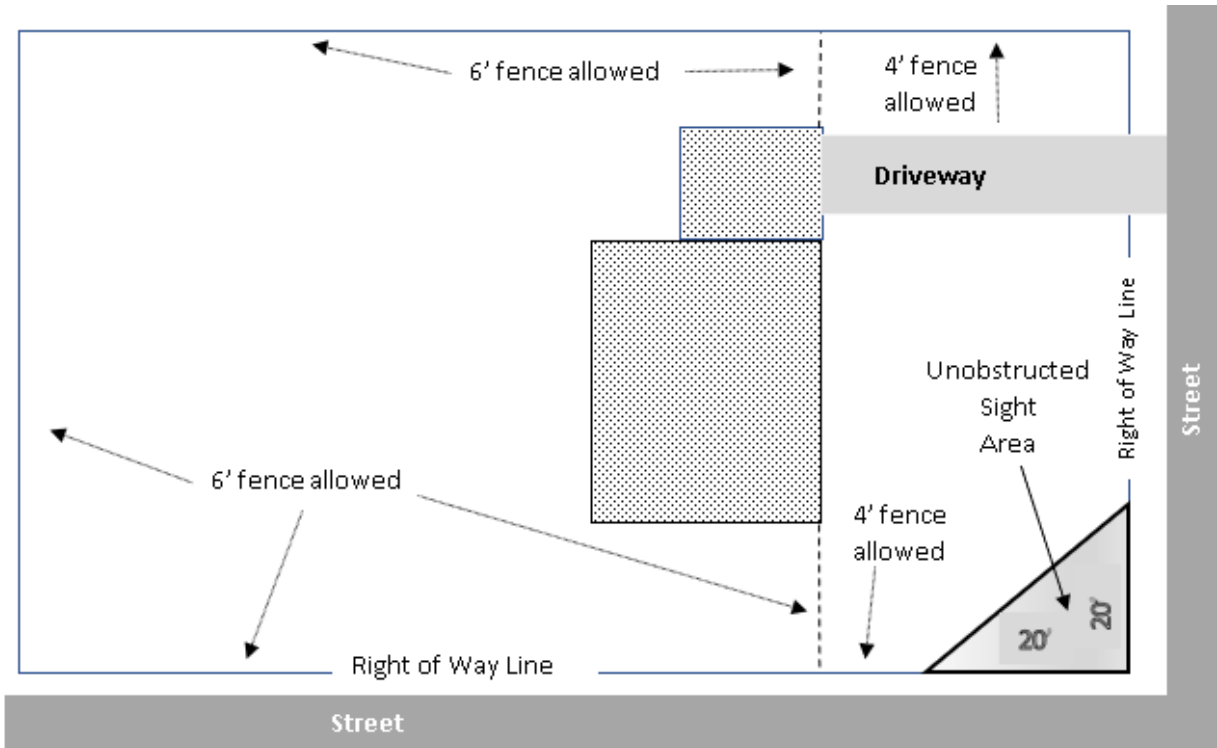
Section 4.06.a(5) of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 4.06.a(5)

- a. Fences in other than the Agriculture Residential District, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:

- (1) No fence shall hereafter be erected on a lot in excess of six (6) feet above the grade of the surrounding land.
 - (2) In the "R1-A", "R1-B", "R1-C", "RM", and "RSM" zoning classifications, no fence exceeding four (4) feet in height shall be permitted in the required building setback area of any side of the lot abutting a public or private street or a lake. Subject to the limitations of subsection 4.06.c, when located behind the leading edge of the house and in the side yard as established by the house's orientation to the street, a six-foot tall fence shall be permitted along the property line of the side street abutting a corner lot. See image below.
 - (3) All fences hereafter shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on the top or on the side of any fence, or electric current or charge in said fences are, except as otherwise provided in this section, prohibited. Notwithstanding anything in this Ordinance to the contrary, fences protecting municipal or public utility installations may exceed the heights provided for herein and barbed wire cradles may be placed on the top of said fences enclosing municipal or public utility installations or wherever deemed necessary in the interest of public safety.
 - (4) Barbed wire cradles having no more than three (3) strands and having a height from top to bottom of the cradle of no more than one (1) foot may be placed on the top of fences serving permitted or special exception uses location in the "B-3", "LM", "LD", or "M" zoning districts. The barbed wire cradle shall not be considered as part of the fence for purposes of determining compliance with the maximum six (6) feet fence height limitation set forth above. Barbed wire may not be utilized on fence located in the front yard.
 - (5) The reviewing body shall have authority to waive the fence limitations in subsection (1) and/or (4), above if the reviewing body determines that, based on the nature of the site on which the fence is to be located, the nature of the properties and streets adjoining the subject property and/or the nature of the proposed fence, such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purpose of this section.
- b. Fences in the Agriculture Residential (AGR) District may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
 - c. No fence, wall, structure or planting exceeding thirty (30) inches in height shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees shall be permitted where all branches are not less than eight (8) feet above the road level. The unobstructed corner area required hereunder shall mean a triangular area formed by the street right-of-way/property lines and a line connecting them at points twenty (20) feet

from the intersection of street right-of-way lines or in the case of a rounded property corner from the intersection of the street right-of-way lines extended. See image below.



SECTION VIII
AMENDMENT OF SECTION 8.05.4.B.4
SIGNS IN COMSTOCK CENTER ZONING DISTRICT

Section 8.05.4.B. of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 8.05.4.B.4

Sec. 8.05.4.B.4

4. Prohibited signs. Any sign incorporating flashing or blinking lights, animated display screens, or electronic changeable message (other than an automotive fueling station sign electronically displaying fuel prices or a sign identifying a municipal property) is prohibited.

SECTION IX
AMENDMENT OF SECTION 9.03c
ESSENTIAL SERVICES

Section 9.03c of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 9.03c

9.03c. Public utility and municipal buildings.

SECTION X
AMENDMENT OF SECTION 18.02
PERMITTED USES IN THE LM, LIGHT MANUFACTURING DISTRICT

Section 18.02 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

- a. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies including fuel; machinery and equipment; tobacco and tobacco products; beer, wine and distilled alcoholic beverages, paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District.
- b. Industrial Establishments:
 1. The assembly, fabrication, manufacture, packaging or treatment of such products as food projects, candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other similar ceramic products using only previously pulverized clay.
 2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
 3. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools: manufacturing of tools, dies, jigs, and fixtures; sandblasting, metal buffing and bump shops; publishing, printing or forming of box, carton, and cardboard products.
- c. Public Utility and municipal buildings.
- d. Retail and Service Establishments such as but not limited to the following:

1. Barber shops.
 2. Truck, tractor and trailer sales, rental and repair including outdoor display.
 3. Dog kennels and dog training facilities. (See Article 21.00, Section 21.15a and 21.15c.)
 4. Automobile repair facilities and tire vulcanizing and recapping businesses.
 5. Outdoor drive-in theaters. (See Article 21.00, Section 21.03.)
- e. Accessory buildings and uses normally incidental for any of the above uses.
 - f. Childcare centers. (See Article 21.00, Section 21.06).
 - g. Microbreweries, breweries, cideries, distilleries and wineries.
 - h. Mini-storage facility with or without outdoor storage.
 - i. Medical and dental appliance laboratory, tool laboratory or production facility with associated administrative offices.
 - j. Temporary outdoor sales and service.
 - k. Recreational facilities.

SECTION XI
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION XII
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XIII
EFFECTIVE DATE

This Ordinance shall take effect eight days following publication after adoption.

Nicole Beauchamp, Clerk
Charter Township of Comstock