



# Livingston County Department of Planning

July 22, 2021

Kathleen J. Kline-Hudson  
AICP, PEM  
Director

Robert A. Stanford  
AICP, PEM  
Principal Planner

Scott Barb  
AICP, PEM  
Principal Planner

Cohoctah Township Board of Trustees  
c/o Barb Fear, Clerk  
Cohoctah Township Hall  
3530 Gannon Road  
Howell, MI 48855

**Re: County Planning Commission Review of Zoning Text  
Amendment Z-24-21, Article XVI. Supplemental Regulations,  
Section 16.21 Home Occupations**

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, July 21, 2021 and reviewed the zoning text amendment referenced above. The County Planning Commissioners concurred with County Planning Staff review of the amendments and made the following recommendation:

**Z-24-21 Approval.** The amendments to Section 16.21 Home Occupations, do a fine job of clarifying home occupations in accessory structures.

Copies of the staff review and Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,

*Kathleen J. Kline-Hudson*

Kathleen J. Kline-Hudson, Director

Enclosures

c: Robert Beach, Chair, Cohoctah Township Planning Commission  
Abby Cooper, Municipal Attorney

Meeting minutes and agendas are available at:

<https://www.livgov.com/plan/econdev/Pages/meetings.aspx>

## Department Information

Administration Building  
304 E. Grand River Avenue  
Suite 206  
Howell, MI 48843-2323

•  
(517) 546-7555  
Fax (517) 552-2347

•  
Web Site  
[co.livingston.mi.us](http://co.livingston.mi.us)



# LIVINGSTON COUNTY PLANNING COMMISSION MEETING MINUTES

July 21, 2021

6:30 p.m.

Hybrid In-Person and Virtual Zoom Meeting

Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC  
<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	BRIAN PROKUDA MATT IKLE (via Zoom) JEANNE CLUM PAUL FUNK	BILL ANDERSON DENNIS BOWDOIN BILL CALL
COMMISSIONERS ABSENT:		
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB	
OTHERS PRESENT:	BRUCE POWELLSON, MARION TWP	

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Prokuda at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** Roll call by Principal Planner Stanford indicated the presence of a quorum. Members of the public were acknowledged in the audience.

**Present:** All commissioners were present at Livingston County Chambers except Matt Ikle.

Prokuda	[X]	Location: Livingston County Administration Building
Clum	[X]	Location: Livingston County Administration Building
Ikle	[X]	Location: Genoa Township (via Zoom)
Anderson	[X]	Location: Livingston County Administration Building
Bowdoin	[X]	Location: Livingston County Administration Building
Call	[X]	Location: Livingston County Administration Building
Funk	[X]	Location: Livingston County Administration Building

**Absent:** None.



4. APPROVAL OF AGENDA

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER BOWDOIN TO APPROVE THE AGENDA, AS PRESENTED, DATED JULY 21, 2021, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed.

Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]

Nay: None.

5. APPROVAL OF PLANNING COMMISSION MEETING MINUTES

**Commissioner Action:** IT WAS MOVED BY COMMISSIONER CLUM TO APPROVE THE MINUTES, DATED JUNE 16, 2021, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed.

Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]

Nay: None.

6. CALL TO THE PUBLIC: None.

7. ZONING REVIEWS:

A. **Z-23-21 HAMBURG TOWNSHIP, ZONING ORDINANCE AMENDMENT.  
MULTIPLE AMENDMENTS TO ARTICLE 7.00 DISTRICT REGULATIONS, AND ARTICLE 8.00  
SUPPLEMENTARY PROVISIONS**

The proposed text amendments clarify, streamline and/or clean up multiple sections of the Hamburg Township Zoning Ordinance, and they are based on information provided by zoning staff on the inefficiencies of these regulations experienced when processing new applications or code enforcement cases.

**Township Planning Commission Recommendation: Approval.** The Hamburg Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article 7.00 District Regulations, and Article 8.00 Supplementary Provisions, at their May 19, 2021 Planning Commission meeting. The minutes from the May 19, 2021 public hearing reflect that there were no public comments.

**Staff Recommendation: Approval.** The proposed text amendments clarify Hamburg Township Zoning Ordinance language regarding district regulations and supplementary provisions.

**Commission Discussion:** Commissioner Bowdoin asked if they are eliminating Planning Commission Review from 7.7.9.1 Design Standards. Director Kline-Hudson stated that as she understood it, the Zoning Administrator would have first review and the Planning Commission would have secondary review. Commissioner Ikle questioned whether Planning Commission review is optional according to the amendment. Commissioner Anderson asked if the Planning Commission will be evaluating the Zoning Administrator's review. Director Kline-Hudson stated that according to the language, the Zoning Administrator would have control over the review and may direct the review to the Planning Commission.

Commissioner Funk inquired about the raising and keeping of horse and poultry on contiguous properties under the same ownership and how this affects grandfathering of land uses? Planning Commissioners discussed various ownership options and how the keeping of animals would not be a grandfathered use.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND APPROVAL WITH CONDITIONS AS STATED IN ATTACHMENTS SECONDED BY COMMISSIONER ANDERSON.**

**Motion passed: 7-0**

**Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]**  
**Nay: None.**

**B. Z-24-21 COHOCTAH TOWNSHIP, ZONING ORDINANCE AMENDMENT.**  
**ARTICLE XVI. SUPPLEMENTAL REGULATIONS, SECTION 16.21 HOME OCCUPATIONS**

The Cohoctah Board of Trustees requested an opinion from their municipal attorney about the Township's current medical marijuana caregiver ordinance provisions and whether or not a primary caregiver may lawfully conduct a medical marijuana growing operation in a building that sits on a parcel where the primary caregiver does not reside (this was occurring in several locations throughout the Township). Attorney Abby Cooper deemed that "it is not permissible for an owner to conduct a medical marijuana caregiver growing operation on a parcel that the owner does not occupy as their primary residence." She stated that while the ordinances do allow medical marijuana caregiver operations as a home occupation, there could be clarity added to the Zoning Ordinance.

**Township Planning Commission Recommendation: Approval.** The Cohoctah Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article XVI. Supplemental Regulations, Section 16.21 Home Occupations, at their June 3, 2021 Planning Commission meeting. The minutes from the June 3, 2021 public hearing reflect that there were no public comments.

**Staff Recommendation: Approval.** The amendments to Section 16.21 Home Occupations, do a fine job of clarifying home occupations in accessory structures.

**Commission Discussion:** Commissioner Call clarified that this amendment refers to the storage and keeping of medical marihuana only, not personal use of.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER CALL.**

**Motion passed: 7-0**

**Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]**  
**Nay: None.**

**8. OLD BUSINESS:**

- A. Visits to local Planning Commission meetings:** Director Kline-Hudson briefly discussed upcoming visits to local planning commissions and asked for volunteer attendance.



**B. Capital Improvement Plan (CIP): Receipt and File by Board of Commissioners:** Director Kline-Hudson distributed the Board of Commissioners Resolution of acceptance, dated July 12, 2021.

9. **NEW BUSINESS:** How to find our LCPC roster on the website. Online demonstration to the Planning Commission of the new County Boards, Commissions and Appointments web page.

**10. REPORTS:**

A. **Brown Bag Lunch:** Will be held via Zoom on July 28, 2021.

**11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:**

A. Bruce Powellson, Marion Township: Marion Township is discussing dog ownership and kennel topics at their Township Planning Commission meeting in August.

B. Planning Commissioner Jeanne Clum: Commissioner Clum has decided that she will not seek reappointment after her term is completed in October 2021. The September 2021 meeting will be her last in attendance.

C. Planning Commissioner Bill Call: Commissioner Call will not be in attendance at the August and October LCPC meetings.

D. Brian Prokuda: Commissioner Prokuda said that his attendance at the August LCPC meeting is tentative.

**12. ADJOURNMENT:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO ADJOURN THE MEETING AT 7:20 P.M., SECONDED BY COMMISSIONER CALL.**

**Motion passed: 6-1**

**Yea: Prokuda [X] Clum [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]**

**Nay: Ikle (in honor of the late Jim Sparks)**



# Livingston County Department of Planning

## MEMORANDUM

**TO:** Livingston County Planning Commissioners and the  
Cohoctah Township Board of Trustees

**FROM:** Kathleen Kline-Hudson, Director

Kathleen J. Kline-Hudson  
AICP, PEM  
Director

**DATE:** July 12, 2021

**SUBJECT:** Z-24-21

Robert A. Stanford  
AICP, PEM  
Principal Planner

Article XVI. Supplemental Regulations, Section 16.21 Home  
Occupations

Scott Barb  
AICP, PEM  
Principal Planner

The Cohoctah Board of Trustees requested an opinion from their municipal attorney about the Township's current medical marijuana caregiver ordinance provisions and whether or not a primary caregiver may lawfully conduct a medical marijuana growing operation in a building that sits on a parcel where the primary caregiver does not reside (this was occurring in several locations throughout the Township). Attorney Abby Cooper deemed that "it is not permissible for an owner to conduct a medical marijuana caregiver growing operation on a parcel that the owner does not occupy as their primary residence." She stated that while the ordinances do allow medical marijuana caregiver operations as a home occupation, there could be clarity added to the Zoning Ordinance in the following manner.

The proposed amendments are contained in this review in entirety. Proposed additions to existing text are noted in **bold red underline**, deletions in **bold strikethrough**, and staff comments are noted in **bold, italic underline**.

### Section 16.21 Home Occupations

Home occupations shall be permitted in all detached single-family residential dwellings and include such customary home occupations as hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales, professional offices and other similar occupations, and other home occupations legally operating in detached single-family homes at the time of adoption of this Zoning Ordinance.

- A. The nonresidential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than 25 percent of the ground floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no more than one employee other than members of the immediate family.

#### Department Information

Administration Building  
304 E. Grand River Avenue  
Suite 206  
Howell, MI 48843-2323

(517) 546-7555  
Fax (517) 552-2347

Web Site  
livgov.com





Z-24-21  
July 12, 2021  
Page 2

- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure that will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two square feet in area in an RR, SR, or S District. Ten square feet in area shall be permitted in the AR District and such sign is not required to be attached to the principal structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. A home occupation may be conducted in an accessory structure only in compliance with **one of the following**:
  - 1. In an **attached** accessory structure **or the basement**, or that portion of the accessory structure **or basement**, that does not exceed 50 percent of the gross floor area of the principal structure.
  - 2. In **a detached accessory structure or that portion of a detached accessory structure that does not exceed a floor area equal to 50 percent of the gross floor area of the principal structure** **an accessory structure located on the same parcel as the principal structure provided the home occupation use is being conducted by a person residing in the principal structure as their primary residence.**
- J. Medical Marihuana. The purpose and intent of this Ordinance is to allow for the controlled medical use of medical marihuana pursuant to Initiated Law 1 of 2008, MCL 333.26421, as may be amended from time to time. The only use allowed in Cohoctah Township under Initiated Law 1 of 2008 is as set forth herein. No other use of medical marihuana, express or implied, is allowed except as set forth below.
  - 1. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Article, shall be allowed as a home occupation. Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution,





or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b. A registered primary caregiver must be located outside of a 1,000-foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- c. Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel.
- d. Not more than five qualifying patients shall be assisted with the medical use of marihuana.
- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient. **For purposes of this subsection, a "main building" means either the residential dwelling of the primary caregiver or patient, or the accessory structure located on the same parcel as the residential dwelling of the primary caregiver or patient.**
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.



9. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

**Township Planning Commission Recommendation: Approval.** The Cohoctah Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article XVI. Supplemental Regulations, Section 16.21 Home Occupations, at their June 3, 2021 Planning Commission meeting. The minutes from the June 3, 2021 public hearing reflect that there were no public comments.

**Staff Recommendation: Approval.** The amendments to Section 16.21 Home Occupations, do a fine job of clarifying home occupations in accessory structures.