

TOWNSHIP OF HADLEY

ZONING ORDINANCE AMENDMENT

MEDICAL MARIJUANA PRIMARY CAREGIVERS

Ordinance No. 100.5

An Ordinance to amend the Hadley Township Zoning Ordinance, adopted on August 13, 2001, to provide for the regulation of Medical Marijuana Primary Caregivers.

THE TOWNSHIP OF HADLEY ORDAINS:

1. The Hadley Township Zoning Ordinance of August 13, 2001 as amended (hereinafter the “Ordinance”), shall be amended to add the following definition to SECTION 2.01, under ARTICLE II – DEFINITIONS, as follows:

Reside: The place that you live in as your permanent residence and, if absent, intend to return. It shall be the address that appears on your driver’s license or Michigan identification card as well as on your voter registration card. Vacation homes, seasonal homes, and income property are not considered where you reside.

2. The Ordinance shall be amended to change SECTION 4.22 HOME OCCUPATIONS, under ARTICLE IV - GENERAL PROVISIONS, in its entirety, as follows:

SECTION 4.22 HOME OCCUPATIONS

- A. An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.
- B. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation: that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
- C. No signs may be attached to the building or placed on the premises other than one (1) non-illuminating name plate which is not more than two (2) square feet in area.
- D. In addition, such occupation shall not generate traffic in excess of what is normal in a residential neighborhood and shall provide adequate customer parking on site.
- E. In order to clarify the nature of a legitimate home occupation, clinics, barbershop, beauty shops, tourist homes, animal hospital, dance studios, private clubs, restaurants, stables or kennels, real estate offices, medical marijuana primary caregivers and vehicle repair or paint shops among others, shall not be deemed to be home occupations

3. The Ordinance shall be amended to add SECTION 4.34 ELECTRICAL SERVICE CAPACITY RESTRICTIONS, under ARTICLE IV - GENERAL PROVISIONS, as follows:

SECTION 4.34 ELECTRICAL SERVICE CAPACITY RESTRICTIONS

In order to protect the public health, safety, and welfare of the township regarding overloading local electrical capacity and ensuring appropriate uses are consistent with the character of the zoning district, all amperes electrical services in the AR, R-1, R-2, and RMH zoning districts must comply with the below requirements:

- A. No more than a two hundred (200) amperes electrical service may service a single parcel in the above mentioned zoning districts, except as otherwise provided in this section.
- B. For those who request to have an amperes electrical service over two hundred (200) amperes, they may apply for a waiver from these restrictions from the Planning Commission. The approval of the additional amperes shall be based on the following findings of fact:
 - 1. Demonstrate that the requested service is necessary for all residential applications on the property
 - 2. Demonstrate that the requested service is necessary for applications on property that has qualified for an agricultural-products exemption under MCL 205.94 (1)(f);
 - 3. Supply an electrical load sheet detailing connected loads for lighting, receptacles, water heater, heat pump, cooking, air conditioning and any other applications at the property.
- C. The Township reserves the right to have entities such as Consumers Energy, DTE Energy, Hadley Township Fire Department, Lapeer County Sheriff Department, and Township Building Officials provide review comments.

4. The Ordinance shall be amended to change item 'M' in SECTION 7.03 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL, under ARTICLE VII – AR AGRICULTURAL RESIDENTIAL DISTRICT, as follows:

SECTION 7.03 PERMITTED USES AFTER SPECIAL APPROVAL

- M. Medical marijuana primary caregivers (Section 18.51).

5. The Ordinance shall be amended to change SECTION 8.03 R-1 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL, under ARTICLE VIII – R-1 SINGLE FAMILY RESIDENTIAL DISTRICT, to add item 'L', as follows:

SECTION 8.03 PERMITTED USES AFTER SPECIAL APPROVAL

- L. Medical marijuana primary caregivers (Section 18.51).

6. The Ordinance shall be amended to change SECTION 9.03 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL, under ARTICLE IX – R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT, to add item 'H' as follows:

SECTION 9.03 PERMITTED USES AFTER SPECIAL APPROVAL

H. Medical marijuana primary caregivers (Section 18.51).

7. The Ordinance shall be amended to change SECTION 10.03 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL, under ARTICLE X – RMH RESIDENTIAL MOBILE HOME DISTRICT, to add item ‘F’ as follows:

SECTION 10.03 PERMITTED USES AFTER SPECIAL APPROVAL

F. Medical marijuana primary caregivers (Section 18.51).

8. The Ordinance shall be amended to add SECTION 18.51 MEDICAL MARIJUANA PRIMARY CAREGIVER, under ARTICLE XVIII- SPECIAL LAND USE APPROVAL, as follows:

Section 18.51 Medical Marijuana Primary Caregiver

The caregiver cultivating marijuana for medical use pursuant to the Michigan Medical Marijuana Act of 2008, found at MCL 333.26421 et seq (as amended), is allowed as a special land use that is accessory to the use of a residential dwelling unit in any district where residential dwellings are allowed, shall be subject to the following regulations:

- A. All caregivers seeking approval to cultivate marijuana for medical use in the Township must submit proof (as part of the zoning application) that he or she is a properly licensed caregiver with the State of Michigan.
- B. All primary caregivers shall be required to register the location of the subject activity at the Township on an annual basis and will be subject to an annual inspection for Zoning Ordinance and Special Land Use compliance by the Township. Such registration shall include an application that will remain on file at the Township Clerk’s office for twelve (12) months.
- C. Not more than two (2) primary caregivers shall be permitted to service qualifying patients on a single parcel or within an approved dwelling unit.
- D. A primary caregiver shall be required to occupy and reside in the dwelling unit where medical marijuana is grown.
- E. The dwelling unit shall be available for inspection upon request by the zoning administrator, building official, or law enforcement official.
- F. The caregiver cultivation of marijuana for medical use must be conducted entirely within a dwelling unit. The use of the primary caregiver’s dwelling unit for medical marijuana related purposes shall be clearly incidental and subordinate to the dwelling’s use for residential purposes. The growing, processing, dispensing, delivering or handling of medical marijuana shall not be visible or noticeable in any form or manner from outside the walls of the dwelling unit.

- G. That portion of the residential dwelling unit where energy usage and heat exceed typical use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Hadley Township Fire Department to ensure compliance with the Michigan Fire Protection Code.
- H. A floor plan shall be provided to verify the location and type of hazardous material (herbicides, pesticides, fertilizers, etc.) proposed to be stored or use onsite. Material Data Sheets (MDS) shall be provided for all chemicals onsite. An inventory of the chemicals, including quantity and location, shall be provided to the Township. The applicant shall provide the Township with an updated inventory as changes occur, but at minimum the inventory shall be updated on a quarterly basis.
- I. No medical marijuana primary caregiver activity shall be approved that produces noise, wastes, odors, vehicular traffic, lighting or similar side effects which, in the opinion of the Planning Commission, are not customary in a residential district.
- J. All necessary building, electrical, plumbing and mechanical permits and inspections shall be obtained for any portion of the dwelling unit in which electrical wiring, lighting and/ or watering devices that support the growing, processing, dispensing, delivering or handling of marijuana are located.
- K. Lights utilized in the growing process that are visible from the exterior of a structure, shall not be permitted to operate between the hours of 11:00 PM and 6:00 AM.
- L. No signs identifying the medical marijuana primary caregiver shall be permitted.
- M. The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material.

The undersigned Supervisor and Clerk of the Township of Hadley hereby certify that this Zoning Ordinance Amendment was duly adopted by the Township Board at a meeting held on the _____ day of _____, 2021, and was published in the _____ on the _____ day of _____, 2021. This Zoning Ordinance Amendment shall take effect seven (7) days after said date of publication.

Ernest Monroe, Township Supervisor

Cynthia Daly, Township Clerk