

ORDINANCE NO. ____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, BY ADDING DEFINITIONS, BY RESTATING SECTION 23.07 CONCERNING HOME OCCUPATIONS, AND BY PROVIDING FOR AN EFFECTIVE DATE.

ALLENDALE CHARTER TOWNSHIP, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Definitions - G. Section 32.08 of the Allendale Charter Township Zoning Ordinance shall be expanded by the addition of the following definition, added in alphabetical order to the existing definitions.

GENERAL RULES

The General Rules of the Michigan Department of Community Health, issued in connection with the MMMA.

Section 2. Definitions - M. Section 32.14 of the Allendale Charter Township Zoning Ordinance shall be expanded by the addition of the following definitions, added in alphabetical order to the existing definitions.

MARIHUANA

Also known as Marijuana, also known as Cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7106, as referred to in section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to Marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the General Rules.

MEDICAL USE OF MARIHUANA

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of Marihuana or paraphernalia relating to the administration of Marihuana to treat or alleviate a registered qualifying patient's debilitating medical

condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.

MMMA

The Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended.

Section 3. Home Occupations. Section 23.07 of the Allendale Charter Township Zoning Ordinance shall be restated in its entirety as follows.

SECTION 23.07 HOME OCCUPATIONS

- A. The home occupation shall only be incidental to the primary residential use.
- B. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audio interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises
- C. The home occupation shall not employ persons other than those member of the family residing on the premises.
- D. The majority of activities shall be carried on indoors. No visible outdoor storage is permitted.
- E. There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one identification sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

- G. 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 non-residential activities.
- H. Limited retail sales may be permitted on the premises, as a part of or in conjunction with a home occupation.
- I. Medical Marihuana. A registered primary caregiver, in compliance with the General Rules, the MMMA and the requirements of this Section, shall be allowed as a Home Occupation. Nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing Marihuana not in strict compliance with the MMMA and the General Rules. Also, since Federal law is not affected by the MMMA or the General Rules, nothing in this Section or in this Ordinance is intended to grant, nor shall this Section or this Ordinance be construed as granting, immunity from criminal prosecution under Federal law. The MMMA 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 or any other applicable Federal legislation. The following requirements for a registered primary caregiver shall apply.
 - 1. The Medical Use of Marihuana shall comply at all times and in all circumstances with the MMMA and the General Rules, as they may be amended from time to time.
 - 2. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, including any Day Care Home, to insure community compliance with Federal "Drug-Free School Zone" requirements.

3. Not more than one (1) registered primary caregiver shall be permitted to service qualifying patients from a Dwelling Unit.
4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the Dwelling Unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of Marihuana are located.
5. If a room with windows is utilized as a growing location for Marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the Dwelling Unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
6. That portion of the Dwelling Unit where energy usage and heat exceeds typical residential 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 Fire Department to insure compliance with applicable standards.
7. The Lot shall be open for inspection upon request by the Zoning Administrator, the Fire Department and law enforcement officials for compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the Lot.
8. The permitted Sign for the Medical Use of Marihuana shall not include a pictorial representation, of the product provided at that Dwelling Unit, nor any references to Marihuana, alternate spellings of Marijuana or slang terms of Marihuana, nor any references to or pictorial representations of drug paraphernalia (as defined in Township Ordinance No. 434, as amended or restated from time to time).

- J. Any person who wishes to operate a home occupation as defined herein, which can and will consistently meet the standards for operation contained in this article shall be issued a home occupation permit by the zoning administrator. There shall be no fee for this permit, but all necessary licenses and clearances required by state and local agencies must be obtained prior to initiating the proposed home occupation. Each applicant for a home occupation permit shall sign a statement in the application agreeing to the above conditions.
- K. Any person who wishes to operate a home occupation which meets the intent of this section, but would not comply strictly with the above standards, may apply for approval as a special use. Permission to operate such a home occupation may be authorized by the Planning Commission upon finding that the intent of this section is upheld and that the proposed use complies with the standards for approval of special use permits (Section 20.06).

Section 4. Effective Date. This amendment to the Allendale Charter Township Zoning Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan on _____, 2014, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on _____, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 2014, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the _____, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Jerry Alkema
Township Supervisor

Candi Kraker
Township Clerk

CERTIFICATE

I, Candi Kraker, the Clerk for the Charter Township of Allendale, Ottawa County, Michigan, certify that the foregoing Allendale Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2014. The following members of the Township Board were present at that meeting: _____

_____. The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____ voting in opposition. Notice of Adoption of the Ordinance was published in the _____ on _____, 2014.

Candi Kraker
Township Clerk