

**UNADILLA TOWNSHIP**

**RESOLUTION NO. A32021**

**RESOLUTION ADOPTING ORDINANCE NO. 03-2021, ORDINANCE TO AMEND  
TOWNSHIP'S ZONING ORDINANCE REGARDING  
MEDICAL MARIHUANA CAREGIVERS**

A resolution made and adopted at a meeting of the Township Board of the Township of Unadilla, Livingston County, State of Michigan, held on March 11, 2021, at 7:00 P.M.

PRESENT: Walker, Topping, Weiland, Cowan, Cox

ABSENT: None

The following Resolution was offered by Walker and seconded by Weiland.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.* ("MZEA"), the Township of Unadilla ("Township") has authority to adopt and amend zoning ordinances regulating the use of land in the Township; and

WHEREAS, the Township desires to consider amending its Zoning Ordinance regarding Medical Marihuana Caregivers in the Township; and

WHEREAS, upon giving notice in accordance with the MZEA, the Township held a public hearing regarding the proposed zoning ordinance amendments (the "Ordinance") on March 11, 2021; and

WHEREAS, after the public hearing, the Township Board has considered the Ordinance and wishes to adopt the Ordinance.

NOW, THEREFORE, the Township Board of the Township of Unadilla resolves as follows:

1. Ordinance No. 03-2021, Ordinance to Amend Township's Zoning Ordinance Regarding Medical Marihuana Caregivers (the "Ordinance," attached as Exhibit A) is hereby adopted.

2. The Ordinance shall be filed with the Township Clerk.

3. The Township Clerk shall publish a summary of the Ordinance in a newspaper of general circulation in the Township within 30 days.

4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: Walker, Topping, Weiland, Cowan, Cox

NAYS: None

STATE OF MICHIGAN            )  
  )  
COUNTY OF LIVINGSTON    )

I, the undersigned, the duly qualified and acting Clerk of the Township of Unadilla, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board at a regular meeting held pursuant to the Open Meetings Act on the 11th day of March, 2021.

*Linda Topping*

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Linda Topping  
Clerk, Unadilla Township

**UNADILLA TOWNSHIP  
ORDINANCE TO AMEND TOWNSHIP'S ZONING ORDINANCE REGARDING  
MEDICAL MARIHUANA CAREGIVERS**

**The Township of Unadilla hereby ordains:**

**Section 1. Amendment of Section 2.02.**

A new definition entitled "Medical Marihuana Caregiver" is added under the Unadilla Township Zoning Ordinance, Article 2, Section 2.02 "Definitions" subsection C. "Definitions of words and phrases beginning with the letters K-O". The new definition shall appear before the definition of "Mini Storage Facilities" and after the definition for "Master Plan." The new definition shall state as follows:

**Medical Marihuana Caregiver:** that person defined by the Michigan Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. ("MMMFLA") as a Registered Primary Caregiver, and who is operating in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq. ("MMMA") and the MMMFLA. A person is not considered a Medical Marihuana Caregiver if they are not operating in compliance with the MMMA, the MMMFLA, and the ordinances of Unadilla Township, including the Unadilla Township Zoning Ordinance, as amended.

**Section 2. Amendment of Section 18.14 A.**

Article 18 entitled "General Provisions", Section 18.14 titled "Home Occupation", subsection A of the Unadilla Township Zoning Ordinance is hereby amended to read in its entirety as follows:

A. The nonresidential use shall only be incidental to the primary residential use. In addition to the provisions of this Section, a Medical Marihuana Caregiver must also comply with Section 18.25 of this Ordinance. In the event of a conflict between the provisions of Section 18.14 and the provisions of Section 18.25, the provisions of Section 18.25 shall apply.

**Section 3. Addition of Subsection 18.25.**

A new Subsection 18.25 is hereby added under the Unadilla Township Zoning Ordinance, Article 18 entitled "General Provisions", Section 18.25 entitled "Medical Marihuana Caregiver Activities." The new Section 18.25 shall read as follows:

**Section 18.25 Medical Marijuana Caregiver Activities**

1. A Medical Marihuana Caregiver, shall be permitted to operate as a home occupation in the A-1 Farm Residential zoning district only. No other marihuana uses are permitted in Unadilla Township. The provisions of this Section do not apply to the personal use and/or internal possession of marihuana by a qualifying patient who is not a Medical Marihuana Caregiver for another person or persons.

2. The following standards and requirements shall apply to the location at which a Medical Marihuana Caregiver operates a home occupation:
- a. The medical use of marijuana on the premises shall comply at all times with the MMMA and the MMMFLA, as amended.
  - b. Not more than one (1) Medical Marihuana Caregiver shall be permitted to operate a home occupation on a single parcel of property. The Medical Marihuana Caregiver must also be a full-time resident of the principle dwelling on the property.
  - c. The Medical Marihuana Caregiver shall cause all medical marihuana caregiver activity to be conducted entirely within a dwelling or approved accessory structure, except that a registered primary caregiver may keep and cultivate medical marihuana, in an “enclosed, locked facility” (as that phrase is defined by the MMMA), on the same property. The enclosed locked facility shall be equipped with locks or other security devices that permit access only by the Medical Marihuana Caregiver and shall have a centrally monitored alarm system. No one but the Medical Marihuana Caregiver shall have access to medical marijuana.
  - d. Not more than twenty five percent (25%) of any dwelling or fifty percent (50%) of any accessory structure may be used for the medical marihuana caregiver activities. The activity shall not require the creation of any additional parking spaces on the property.
  - e. The Medical Marihuana Caregiver shall not keep more than twelve (12) marihuana plants for each registered qualifying patient with whom the Medical Marihuana Caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the Medical Marihuana Caregiver is also registered as a qualifying patient under the MMMA. The Medical Marihuana Caregiver shall not cultivate medical marihuana for more than five (5) qualified patients (6 qualified patients if the Medical Marihuana Caregiver is also a qualified patient) at any given time.
  - f. The dwelling or associated structure within which a Medical Marihuana Caregiver operates a home occupation must be located outside of a one thousand (1,000) foot radius from any school, child care facility, day care facility or church;
  - g. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marihuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
  - h. Absolutely no cultivated marihuana or dried marihuana product shall be visible from the exterior of the dwelling or accessory structure.

- i. No other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted, except that equipment, fertilizers, herbicides or other chemicals directly related to medical marihuana caregiver activity are permitted subject to applicable building, mechanical, plumbing, electrical, fire, property maintenance, health or other applicable codes.
  - j. Distribution of marihuana or use of items in the administration of marihuana may occur at or on the premises of the Medical Marihuana Caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to smoke or consume any medical marihuana.
  - k. Marihuana shall not be grown, processed, handled or possessed at the dwelling or associated accessory structure of the Medical Marihuana Caregiver beyond that which is permitted by law, this Ordinance, or the ordinances of Unadilla Township.
  - l. If medical marihuana is grown or located in a room with windows, windows shall be shielded to prevent the visibility of marihuana from the exterior of the building, and all interior lighting related to the cultivation of marihuana shall be shielded to prevent such light from being visible to adjacent properties.
  - m. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver.
  - n. Compliance with all applicable building, plumbing, electrical, mechanical or any other applicable regulation or code is required and subject to applicable approvals. The portions of a dwelling or other associated structure used for medical marihuana caregiver activity are subject to inspection and approval by the zoning administrator or other authorized official.
  - o. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.
3. The operation of a Medical Marihuana Caregiver as a home occupation shall be permitted only with the prior issuance of a Township land use permit.
- a. A complete and accurate application shall be submitted on a form provided by the Township and an application fee in an amount determined by resolution of the Township Board shall be paid.
  - b. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place. The

zoning administrator may require additional information necessary to demonstrate compliance with all requirements. The zoning administrator shall review the application to determine compliance with this Ordinance. A permit shall be granted if the application demonstrates compliance with this Ordinance. A permit granted pursuant to this Section is subject to revocation or other lawful action if the use is not maintained in compliance with the requirements of this Ordinance.

- c. Information treated as confidential under the MMMA shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

#### **Section 4. Resolution No. 01-2019B Unaffected.**

This Ordinance does not repeal, invalidate or otherwise affect Unadilla Township Resolution No. 01-2019B, Resolution Regarding Medical Marihuana Facilities Authorized by PA 281 of 2016, duly adopted by Unadilla Township Board of Trustees on January 10, 2019. It is the stated intent of this Ordinance to provide for the location in the Township of medical marihuana caregiver activities only. Medical Marihuana caregiver activities are only permitted as a Home Occupation in the A-1 Farm Residential zoning district and only in accordance with the provisions of this Ordinance.

#### **Section 5. Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

#### **Section 6. Repealer**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

#### **Section 7. Effective Date**

This Ordinance shall be published and take effect seven days after publication as provided by law.

Approved this 11th day of March, 2021.

**UNADILLA TOWNSHIP**

**NOTICE OF ADOPTION**

**ORDINANCE TO AMEND TOWNSHIP'S ZONING ORDINANCE REGARDING  
MEDICAL MARIHUANA CAREGIVERS**

**To the residents and property owners of the Township of Unadilla, Livingston County, Michigan, and all other interested persons:**

On March 11, 2021, the Township of Unadilla (the "Township") adopted an Ordinance to Amend the Township's Zoning Ordinance Regarding Medical Marihuana Caregivers ("Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance, including all exhibits, is available for inspection at the Township Hall, 120 Webb Street, Gregory, MI 48137, and is posted on the website of the Township of Unadilla, <http://twp.unadilla.mi.us/>

Section 1 of the ordinance amends the definitions section of the Unadilla Township Zoning Ordinance to provide a new definition entitled "Medical Marihuana Caregiver."

Section 2 of the ordinance amends Subsection 18.14 A to permit Medical Marihuana Caregivers as a home occupation pursuant to further regulations.

Section 3 of the ordinance adds a new Subsection 18.25 to provide use standards for Medical Marijuana Caregivers as a Home Occupation in the A-1 Farm Residential zoning district.

Section 4 provides that the Ordinance does not repeal, invalidate or otherwise affect Unadilla Township Resolution No. 01-2019B, Resolution Regarding Medical Marihuana Facilities and that it is the stated intent of the Ordinance to provide for the location in the Township of medical marihuana caregiver activities only as a Home Occupation in the A-1 Farm Residential zoning district and only in accordance with the provisions of the Ordinance.

Section 5 of the Ordinance provides that if any portion of the Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6 of the Ordinance provides that all other ordinances inconsistent with the provisions of the Ordinance are repealed to the extent necessary to give the Ordinance full force and effect.

Section 7 of the Ordinance provides for the publication of the Ordinance in accordance with the law.

Approved this 11th day of March, 2021.

Linda Topping, Clerk  
Township Hall,  
120 Webb Street, Gregory, MI 48137  
(734) 498-2502

