

Section 719.137 – Home Occupations

- A. Home occupations, except for medical use of marijuana home occupations, may be permitted in any agricultural or residential zoning district, subject to the following:
 1. Such occupation is incidental to the residential use to the extent that not more than twenty (20) percent of the gross floor area of the principal building shall be occupied by such home occupation.
 2. All articles or services sold or offered for sale on the premises shall be produced by the home occupation.
 3. All employees shall be members of the resident's family.
 4. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
 5. The occupation shall not generate excess traffic.
 6. Separate entrances for the home occupation are prohibited.
 7. One (1) non-illuminated nameplate, not exceeding four (4) square feet in area, may be attached to the building and shall only contain the name and occupation.
- B. Home Occupations pertaining to medical marijuana.
 1. A registered "primary caregiver," as that term is defined in MCL 333.26423(k) of the Michigan Medical Marijuana Act of 2008 (MMMA), shall be permitted to grow marijuana as a home occupation in any agricultural or residential zoning district subject to the following:
 - a. Up to twenty (20) percent of the floor area of the dwelling, or 300 square feet, whichever is less, may be devoted to the home occupation.
 - b. No signage identifying the medical marijuana home occupation is permitted.

- c. The home occupation shall not change the character of the dwelling in which it is conducted, nor shall it constitute or create a nuisance.
- d. Distribution, including sale of marijuana and/or sale or use of items in the administration of marijuana, shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain, or receive possession of marijuana.
- e. No more than two registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate on any one property.
- f. No other employees are permitted.
- g. Except for lighting, heating, watering, drying, or other equipment, or fertilizers, herbicides, or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal home ownership, use, and maintenance of a dwelling shall be permitted. The use of any equipment that negatively affects the property's insurance rating is prohibited.
- h. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate in "an enclosed, locked" facility (as that phrase is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use if the primary caregiver is also registered as a qualifying patient under the MMMA.
- i. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
- j. No one under the age of 18 years shall have access to medical marijuana.
- k. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of the primary caregiver, except for lawful consumption as regulated by the State of Michigan statute.

- I. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing, or harvesting of marijuana are located or used.
- m. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver apart from the permitted quantity of medical marijuana.
- o. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, is subject to inspection and approval by a township building official.
- p. 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.
- q. The operations of a registered primary caregiver as a home occupation shall be permitted only with the prior issuance of a Township permit, which requires the following:
 - (1) A complete and accurate application shall be submitted on a form provided by the Township, and an application fee in an amount determined by the resolution of the Township Board shall be paid.
 - (2) 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 marijuana cultivation and processing, and a description of the location at which the use will take place. The zoning administration may require additional information necessary to demonstrate compliance with all requirements.

(3) The use shall be maintained in compliance with the requirements of this section, the MMMA, and the MMMA General Rules. If the application demonstrates compliance with this section, a permit shall be granted.

- r. The use of a dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA solely for personal use does not require a permit under this section. However, all applicable state and township ordinance requirements must be met.
- s. The provisions of this section do not apply to the personal use or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.