

**LODI TOWNSHIP
ORDINANCE NO. 2021-004**

AN ORDINANCE ADOPTED PURSUANT TO PUBLIC ACT 110 OF 2006 AS AMENDED (MCL 125.3101 *et seq.*), TO SECURE THE PUBLIC SAFETY, HEALTH, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, BY AMENDING THE LODI TOWNSHIP ZONING ORDINANCE BY UPDATING SECTION 40.13 "HOME OCCUPATIONS."

LODI TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Amendments, additions, and deletions to the Lodi Township Zoning Ordinance.

That the Lodi Township Zoning Ordinance Article 40.0, "Use Standards -- Rural and Residential Uses", Section 40.13, "Home Occupations", is hereby amended to read as follows:

Section 40.13 Home Occupations.

The following standards apply to home occupations in the Township:

A. General Standards for All Home Occupations.

The following standards apply to all home occupations, as defined in Section 2.03 (Definitions) and as permitted per Article 20.0 (Land Use Table):

1. The home occupation shall be incidental and secondary to the use of the land and dwelling for residential purposes. No signs shall be permitted for the home occupation, other than a nameplate as permitted for the dwelling per Article 53.0 (Sign Regulations).
2. A maximum of two (2) parking spaces on the lot or parcel may be used for the home occupation. All parking for the home occupation shall conform to the applicable requirements of Article 51.0 (Off-Street Parking and Loading Regulations).
3. To maintain the character or appearance of the dwelling, no separate entrance from the outside of the building shall be added to the dwelling for the use of the home occupation; no storage of materials, equipment, or displays associated with the home occupation shall take place outside the dwelling; and no article shall be sold or offered for sale on the premises, except articles produced within the dwelling or accessory building or as provided incidental to the service or profession.
4. The home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling.
5. The home occupation shall not generate traffic in excess of that normally associated with a residential dwelling, and no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals or matter at any time.

B. Compliance Required.

Any general or limited home occupation that does not conform to the requirements and standards of this Section shall be an unlawful use.

C. Additional Standards for a Home Occupation, General.

The following additional standards shall apply to a Home Occupation, General, as defined in Section 2.03 (Definitions) and as permitted per Article 20.0 (Land Use Table):

1. The Planning Commission has the authority to determine whether or not a proposed use complies with this Section and Ordinance and is within the spirit of the same; to ensure the compatibility of any use with the character of the zoning classification in which the same is located; and to confirm that the health, safety, and general welfare of the neighborhood will not thereby be impaired.
2. The home occupation shall be carried on by members of the household. The Planning Commission shall have the authority to permit additional assistants who do not reside within the dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall additional assistants exceed two (2) in number.
3. The home occupation shall be carried on within the dwelling unit and/or within a building accessory thereto.
4. The total of all areas occupied by the home occupation combined shall not exceed twenty percent (20%) of the gross floor area of the dwelling.
5. The cultivation of medical marihuana by a primary care giver as defined and in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, being MCL §333.26421, et. seq., the requirements of this Section, and the requirements of any other applicable ordinance of the Township, is permitted under this Ordinance as a Home Occupation, General. Nothing in this Ordinance or any other regulatory provisions of the Township 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 the Michigan Medical Marihuana Act and rules adopted under the Act. Nothing in this Ordinance or any other regulatory provisions of the Township is intended to grant, and shall not 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 the property on which medical marihuana is grown or used from Federal prosecution or from having their property seized by Federal authorities under the Federal Controlled Substance Act. The following requirements for a registered medical marihuana caregiver shall apply:
 - a. **Compliance with State Law.** 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. **Setback from Schools.** The cultivation of medical marihuana must be located outside of a one-thousand (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. **Number of Primary Caregivers.** Not more than one (1) primary caregiver shall be permitted to assist qualifying patients on a zoning lot.
- d. **Number of Qualifying Patients.** Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
- e. **Growing.** All medical marihuana shall be contained within an enclosed, locked facility which shall mean a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient, as reviewed and approved by individual(s) designated by the Township Supervisor and subject to the following:
 - (1) **Indoor Growing.** Except as otherwise provided in Section 40.13.C.5.e(2), which is only applicable to certain areas in the AG zoning district, the "enclosed, locked facility" for medical marihuana plants shall be inside a fully enclosed dwelling or accessory structure.
 - (2) **Outdoor Growing.** Marihuana plants grown outdoors in the AG zoning district are considered to be in an "enclosed, locked facility" if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by a primary caregiver for registered qualifying patients or patients for whom the marihuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.
- f. **Permits.** All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the dwelling or accessory structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
- g. **Lighting.** If lighting methods are utilized at the growing location, lighting methods that exceed usual residential periods between the hours of 11 p.m. to 7 a.m. shall employ shielding methods to prevent ambient light spillage that may create a distraction for adjacent

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

- h. **Inspections.** That portion of the dwelling 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 Marshal to insure compliance with the Fire Protection Code.
- i. **Definition of Marihuana.** The term marihuana as used in this Section shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, P.A. 368 of 1978, being MCL §333.7106. Any other term pertaining to marihuana use as permitted under this Section, and not otherwise defined, shall have the meaning given it in the Michigan Medical Marihuana Act and the rules adopted by the Michigan Department of Community Health in accordance with the Act.

D. Additional Standards for a Home Occupation, Limited.

The following additional standards shall apply to a Home Occupation, Limited, as defined in Section 2.03 (Definitions) and as permitted per Article 20.0 (Land Use Table):

1. The home occupation shall be carried on only by members of the household.
2. The home occupation shall be carried on only within the dwelling.
3. The total floor area used by the home occupation shall not exceed ten percent (10%) of the gross floor area of the dwelling.
4. The home occupation shall be limited to the following list of allowable uses:
 - a. Professional or semi-professional office, consisting of receiving or initiating telephone calls, mail, facsimiles or electronic-mail preparing or maintaining business records, word or data processing, accounting, real estate, insurance, law and other professional offices and similar activities.
 - b. Music, dance, arts and craft classes, and private tutoring and instruction for a maximum of five (5) pupils at any given time.
 - c. An in-home private studio for an artist, sculptor, musician or photographer; or for weaving, lapidary, jewelry making, cabinetry, woodworking, sewing, tailoring or a similar craft.
 - d. A yard or garage sale for household or personal items of the principal residents of the dwelling shall be permitted as a temporary home occupation, provided that such activities shall not exceed a total of 15 days per calendar year and signage is limited to temporary signs

allowed in the zoning district.

- e. A lemonade stand or similar incidental activity operated under adult supervision by one (1) or more minor residents of the dwelling shall be permitted as a temporary home occupation, provided that signage is limited to temporary signs allowed in the zoning district.

Any home occupation not specifically listed in this subsection as a "Home Occupation, Limited" may be approved by the Planning Commission as a "Home Occupation, General" in accordance with the applicable requirements of this Ordinance.

Section 2: Repeal and Savings Clause.

All ordinances and amendments thereto that are in conflict with this Ordinance are hereby repealed. However, the Lodi Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 3: Severability.


If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 4: Effective Date.

The ordinance changes shall take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.



Jan Godek, Township Supervisor



Christina Smith, Township Clerk

Clerk's Certification

I, Christina Smith, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-004 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, December 7, 2021, and the whole thereof now in my custody.



Christina Smith, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 8:30 a.m. until noon Monday through Friday.

Adopted: 12.7.2021

Published: 12.15.2021

Effective: 12.22.2022, subject to PA 110 of 2006 as amended.