AN ORDINANCE TO AMEND ORDINANCE NUMBER 82, BEING THE ZONING ORDINANCE OF THE TOWNSHIP OF MILLS, COUNTY OF MIDLAND, MICHIGAN.

The Township of Mills, County of Midland, Michigan ordains, pursuant to the authority vested in it by Act 110 of 2006 of the Public Acts of the State of Michigan as amended, the following Zoning Ordinance Amendments to Ordinance No. 82, the Mills Township Zoning Ordinance.

Section 1.

Article 10, General Regulations, is amended by the addition of new Section 10.21, which shall read as follows.

10.21 Non-Commercial Marihuana Growth.

a. Definitions:

1. For the purposes of this Section, the following terms have the meanings ascribed to them in the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26421, et seq., and the the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.): marihuana facility, marihuana establishment, primary caregiver, qualifying patient.

2. For the purposes of this Section, the term marihuana plant is defined as any plant from the genus Cannabis.

b. Marihuana facilities and marihuana establishments are prohibited in accordance with the Marihuana Facilities Ordinance adopted May11, 2019.

c. No person shall cultivate marihuana plants on property within Mills Township except in accordance with the following requirements:

1. Personal Use.

i. A person may cultivate up to 12 marihuana plants for personal use pursuant to the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of the Public Acts of 2016, as amended (MCL 333.27101 et. seq.), and the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.).

ii. A maximum of 12 marihuana plants may be cultivated per parcel for personal use, regardless of the number of owners or occupants of that parcel.

iii. All marihuana cultivation must occur within a building shielded from public view and secured with adequate security measures.

iv. Any person cultivating marihuana plants for personal use must take reasonable precautions to protect neighboring properties from odors arising from the cultivation of marihuana plants.

2. Medical Marihuana for Qualifying Patients. Upon issuance of a special use permit by the Township, a primary caregiver who grows marihuana plants for one or more qualifying patients, may grow up to 12 plants per qualifying patient. In addition to the standards specified in Section 12.06 of this Ordinance, a special use permit may only be granted if the applicant demonstrates that the cultivation of medical marihuana on the property meets the following factors:

i. The primary caregiver must agree to allow inspection by Township officials upon reasonable written notice to ensure compliance with the terms of the special use permit.

ii. All marihuana cultivation must occur within a building shielded from public view and secured with adequate security measures.

iii. The primary caregiver must take reasonable precautions to protect neighboring properties from odors arising from the cultivation of marihuana plants.

iv. The property must otherwise meet the requirements of this Ordinance.

Effective Date:

This ordinance shall become effective May 30, 2022