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ROSATI | SCHULTZ  
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June 21, 2023

Planning Commission  
Charter Township of Waterford  
5200 Civic Center Drive  
Waterford, MI 48329

**RE: Zoning Ordinance Amendments to Regulations for Medical Marihuana and Adult Use Marihuana Establishments Regulations**

Dear Planning Commission Members:

During your June 27, 2023, meeting you will be considering two Zoning Ordinance amendments. The purpose of the adult use marihuana establishments amendment is to allow these establishments to be permitted uses in the Zoning Ordinance. The Township currently prohibits their use. The amendment to the regulations for medical marihuana is to provide consistency in both regulations for the site plans review procedures.

The Board of Trustees held two recent study sessions to discuss the possibility of introducing an ordinance to permit Adult Use Marihuana Establishments in Waterford. A majority of the Board determined that they would like to move forward with the possible introduction of such an ordinance on July 10. The Board is waiting to introduce this ordinance until after the Planning Commission has had the opportunity to make a recommendation to the Board on these proposed Zoning Ordinance amendments.

The Board determined that they would like to have the Planning Commission perform a site plan review of proposed adult use marihuana establishments before the application for a Township license is considered by the Board of Trustees. The proposed adult use establishments ordinance will require the adult use establishments to also have a medical marihuana license. Four medical marihuana facilities have received a Township license, while two others have conditional approval to receive a Township license. The Planning Commission has already reviewed the site plans of these medical marihuana facilities. Therefore, it is likely that review for a facility that would like to be an adult use establishment, will be a change of use review.

Once the Planning Commission has made a recommendation on the site plan review for a proposed adult use establishment, your recommendation will be provided to the Board of Trustees for their consideration during their review of the license application. This recommendation process will be a special circumstance in the Zoning Ordinance and will only apply to the site plans of marihuana businesses.

To provide uniformity between the medical marihuana facility regulations and the adult use establishment regulations, it was decided that the Planning Commission should also review

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medical marihuana site plans prior to an application for a medical marihuana facility being considered by the Board. If the Board allows additional medical marihuana facility license applications in the future, the Planning Commission will review the site plans before the Township Board determines whether or not it wishes to conditionally approve a license. At this point, the Board of Trustees has not established a period to accept new medical marihuana applications but may do so in the future.

If the Board of Trustees adopts an adult use establishments ordinance on July 17, the Planning Commission may be considering site plan applications for proposed adult use establishments during your July 25, 2023, meeting.

Please contact me if you have any questions. I will be in attendance during your meeting if need assistance with this process.

Sincerely yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC

*Joellen Shortley*

Joellen Shortley

cc: Jeffrey Polkowski, Superintendent  
Planning & Zoning

**MOTION TEMPLATE FOR PLANNING COMMISSION CASE NO. 23-06-04,  
Proposed ZONING ORDINANCE AMENDMENT, by amending  
SECTION 2-604 Regulations for Medical Marihuana Uses:**

**Motion**

I move to forward a **favorable / unfavorable [Strike One]** recommendation in Case No. 23-06-04 on to the Township Board, to amend the Zoning Ordinance for Regulations for Medical Marihuana Uses on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public.

*With us there are no  
boundaries*

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2023-Z-012

**MEDICAL MARIHUANA TEXT AMENDMENTS TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to provide for Planning Commission review of site plans prior to the review of a license application by the Township Board.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 2-604.2 of the Waterford Township Zoning Ordinance that specifies Approval Procedures, Conditions and Fees shall be amended to read as follows:

**2.604.2 Approval Procedures, Conditions, Fees**

A-D Unchanged

- E. Upon review under Section 4-004 the Planning Commission shall make a recommendation to the Board of Trustees as to whether they recommend or do not recommend change of use approval. The Board of Trustees shall make the final decision as to whether a change of use shall be granted and whether a Township Adult Use Establishment License shall be issued.

**Section 2 of Ordinance**

Section 2-604.4 of the Waterford Township Zoning Ordinance that specifies Use Regulations for all Licensed Medical Marihuana Uses shall be amended to read as follows:

**2.604.4 Use Regulations for all Licensed Medical Marihuana Uses.** Compliance with the following use regulations is required for licensed medical marihuana growers, processors, provisioning centers, safety compliance facilities, and secure transporters to be a permitted use in the zoning districts in which they are allowed:

- A. The Township Board approved comprehensive facility operation and security plans for the medical marihuana license.
- B. The Township Board approved site plans, or if applicable, subsequent Planning Commission site plan approvals.
- C. To the extent not addressed in the Township Board license approved security plan, a detailed safety and security plan for marihuana, employees, and others at the

premises, and for neighboring residents, offices, and businesses must be submitted as a site plan document, and upon approval be complied with.

- D. To the extent not addressed in the Township Board license approved facility operation plan, an operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted as a site plan document, and upon approval be complied with.
- E. To the extent not addressed in the Township Board license approved facility operation plan, a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed in that facility's grower class shall be submitted as a site plan document and upon approval be complied with.
- F. The Medical Marihuana Township License and the standards, terms, and conditions of that license under Section 10-306 of the Waterford Charter Township Code.
- G. The vehicle, signs, fences, and screening and landscaping regulations in Section 3-702 for commercial zoning districts and 3-802 for higher intensity use zoning districts, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- H. The applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under Sections 5-003 and with Division 2-4 and Division 2-8.
- I. All use, operations, and storage shall be in a fully enclosed building, with no marihuana to be visible from outside the building. However, contactless and limited contact service is permitted for provisioning centers to accept online and telephone orders and payment for the order as well as curbside pick-up at the provisioning center location. The designated area for curbside service must be identified in the provisioning center scaled site and building plan and provided for in the security plan
- J. Smoking, inhalation, and consumption of marihuana on the premises is prohibited.
- K. The retail sale of marihuana and other products on the premises is prohibited with the exception of provisioning centers where the retail sale of medical marihuana or paraphernalia for the administration of medical marihuana to medical marihuana qualifying patients is allowed.
- L. The Medical Marihuana State License and the MMFLA, MMFLA Rules, and Tracking Act.

**Section 3 of Ordinance**

The effective date of this Ordinance shall be July 25, 2023, or on the 8<sup>th</sup> day after publication, whichever is later, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on July 17, 2023.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly Markee, Township Clerk