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**DEVELOPMENT SERVICES  
DEPARTMENT**

Jeffrey M. Polkowski, AICP  
Superintendent of Planning &  
Zoning Division

Dave Hills  
Superintendent of Building  
Division

## **MEMORANDUM**

Date: December 21, 2022  
To: Honorable Township Board Members  
From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning  
RE: Text Amendments to Zoning Ordinance to Permit Curbside Service for Marihuana Provisioning Centers

During the November 14, 2022, meeting of the Board of Trustees, a motion was adopted to direct the Township Attorney to draft an amendment to the Medical Marihuana Facility ("MMFL") Ordinance to make three modifications to the standards and operating procedures of medical marihuana facilities. One of the changes proposed was to permit curbside services as well as online and phone orders to for provisioning centers. Curbside service as well as online and telephone orders are permitted for marihuana sales locations under the Michigan Administrative Rules in R 420.207a, unless they are prohibited by a municipal ordinance. Currently, the MMFL Ordinance and the Zoning Ordinance both require that all use, operation and storage for medical marihuana facilities take place inside a fully enclosed building.

### **Planning Commission Recommendation and Findings**

The Planning Commission reviewed this proposed Zoning Ordinance amendment at the regularly scheduled meeting on December 13, 2022 and resolved unanimously, to forward a favorable recommendation to the Township Board.

### **Motions**

Based upon the Planning Commission's favorable recommendation at the December 13, 2022 regular meeting for this Zoning Ordinance amendment, should the Board want to consider adopting the requested Zoning Ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the January 23, 2022 meeting. However, if the Board does not want to adopt the requested Zoning Ordinance amendment, the appropriate motion would be to not introduce the Ordinance and deny the amendment.

Should you have any questions prior to Monday's meeting please do not hesitate to reach out to me.

*With us there are no  
boundaries*

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ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

December 9, 2022

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

RE: Text Amendments to Zoning Ordinance to Permit Curbside Service for Marihuana Provisioning Centers

Dear Planning Commission Members:

During the November 14, 2022, meeting of the Board of Trustees, a motion was adopted to direct the Township Attorney to draft an amendment to the Medical Marihuana Facility ('MMFL') Ordinance to make three modifications to the standards and operating procedures of medical marihuana facilities. One of the changes proposed was to permit curbside services as well as online and phone orders to for provisioning centers. Curbside service as well as online and telephone orders are permitted for marihuana sales locations under the Michigan Administrative Rules in R 420.207a, unless they are prohibited by a municipal ordinance. Currently, the MMFL Ordinance and the Zoning Ordinance both require that all use, operation and storage for medical marihuana facilities take place inside a fully enclosed building.

Before the Board of Trustees will consider a change to the MMFL Ordinance to allow services to take place outside of a provisioning center, they would like the Planning Commission to determine if it wishes to recommend an amendment to the Zoning Ordinance, Section 2-604.4 (H) to permit curbside service and allow accepting phone and Internet orders for provisioning centers.

I have drafted proposed amendment language for your consideration which is included with this letter. Please contact me if you have any questions.

Sincerely yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC

*Joellen Shortley*

Joellen Shortley

cc: Jeffrey Polkowski

**MOTION TEMPLATE FOR PLANNING COMMISSION CASE NO. 22-10-01, Proposed ZONING ORDINANCE AMENDMENT, by including contactless and limited contact services for Medical Marihuana Provisioning Centers in the Use Regulations for all Licensed Medical Marihuana Uses**

**Motion**

I move to forward a **favorable / unfavorable [Strike One]** recommendation in Case No. 22-10-01 on to the Township Board, to amend the Use Regulations for all Licensed 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.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2022-Z-003

**TEXT AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) relating to Regulations for Medical Marihuana Uses.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 2-604.4 Use Regulations for all Licensed Medical Marihuana Uses, shall be amended in Section H to permit telephone and online sales as well as curbside service for provisioning centers:

**2-604.4 Use Regulations for all Licensed Medical Marihuana Uses.**

Section A-G unchanged

H. 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. Curbside service may not begin until the Township Clerk receives a copy of the operating procedure for curbside service, if it was not previously provided to the Township. The procedure must include an anti-theft plan.

**Section 2 of Ordinance**

The effective date of this Ordinance shall be on the 8<sup>th</sup> day after publication, 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 \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kim Markee, Township Clerk

