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Sent: Friday, December 11, 2020 9:32 AM  
To: Markee, Kimberly <[kmarkee@waterfordmi.gov](mailto:kmarkee@waterfordmi.gov)>  
Subject: Caregiver grow

It was made clear in your work session that there won't be any zoning variances for the medical marijuana applications. Is this also true for caregiver grows?

Karen Schultz

## **TOWNSHIP RESPONSE**

With respect to the Medical Marihuana Facility Licensing Ordinance, Section 10-303(g) does provide that the Township Board is not allowed to grant variances from the licensing requirements under that Ordinance. That Ordinance Section does not address variances under the Township Zoning Ordinance, which if available, would be granted by the Township Zoning Board of Appeals. However, the Zoning Board of Appeals does not have authority to grant variances from the medical marihuana primary caregiver use regulations in the Zoning Ordinance.

The Medical Marihuana Text Amendments to Zoning Ordinance that were adopted October 26, 2020 by Ordinance No. 2020-Z-008, with an effective date of January 4, 2021, limit medical marihuana primary caregiver uses to the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts after wellhead protection compliance (for up to 6 caregivers), and as a permitted home occupation accessory use of a single caregiver's residence dwelling. The Ordinance contains conditions that also regulate those uses. According to the Township Attorney, the Zoning Board of Appeals does not have authority to grant variances from those "use" regulations. That means that for primary caregiver uses to be allowed in some other Zoning District or without the need to comply with one or more use regulations would require amendment of the Zoning Ordinance by the Township Board.