



**TO:** Charlotte Planning Commission

**FROM:** Bryan Myrkle, Community Development Director

**SUBJECT:** Home Occupation Standards – medical marihuana caregiver operations

**DATE:** January 28, 2022

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As the Planning Commission continues its discussion on home occupation standards, we wanted to raise the issue of regulating medical marihuana caregiver operations as a home occupation.

When the rules regarding medical marijuana were first created in Michigan it was the opinion of many officials, including the Charlotte City Attorney, that caregiver operations were exempt from local zoning and regulation. This allowed these operations to proliferate in Charlotte and elsewhere, and numerous caregivers began growing marijuana and providing it to clients from houses in residential districts. In some cases, the house was no longer used as a residence at all. In others, there were significant additions or alterations made to accommodate relatively large grow operations that were organized under the caregiver model.

The City of Charlotte was unable to assist residents who complained about neighboring grow operations. The complaints included noise from large ventilation equipment, odor from the growing plants, increased traffic from clientele visiting the site and late-night activity by the growers. These are all items that could normally be addressed by our home occupations regulations.



Over time, Cities continued working to regulate these operations, and cases related to the issue made their way through the court system. Eventually, the Michigan Supreme Court determined that the Medical Marihuana Act did not prohibit local regulation of these activities. In the case *DeRuiter vs. Byron Township*, the Court determined that municipalities have inherent authority to regulate this land use as long as it does not prohibit or penalize the cultivation of medical marijuana, and does not impose regulations that are unreasonable or inconsistent with state law.

Because there are a significant number of these operations in Charlotte, and because there have been numerous expressions of community concern regarding them, we are asking the Planning Commission to consider some level of local regulation of these activities. Because it would require an ordinance change, this will have to be done in conjunction with the City Council.

For next Tuesday's meeting, we would like to have an initial discussion with the Planning Commission about the issue. Please note that this issue only involves medical marihuana that is grown at a residence under the caregiver model. It would not address any aspects of recreational marihuana, nor the commercial provision of medical marijuana (i.e. dispensaries).

In preparation for the discussion, we are providing you with two different ordinances that have already been adopted by other communities. The one from Rose Township is very straightforward, and the one from Genoa Township is somewhat more broad (begins on page 13).