



**City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
248.656.4630  
[www.rochesterhills.org](http://www.rochesterhills.org)**

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**Legislative File No: 2010-0297 V2**

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Economic Development, ext. 2572

**DATE:** December 21, 2010

**SUBJECT:** Request for a six-month Extension of the Moratorium regarding Medical Marihuana

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**REQUEST:**

Approval of a six-month extension of the Moratorium for Medical Marihuana and support for clarification of the Medical Marihuana Act from the State Legislature.

**BACKGROUND:**

Staff was receiving numerous calls regarding this subject. Current Zoning Regulations did not provide standards for the sale, cultivation, and distribution of Medical Marihuana. Discussions with other communities provided no clear guidance or consistent means to implement. Because of the uncertainty the Administration requested City Council to consider a 180 day Moratorium. City Council approved a 180-day Moratorium regarding medical marihuana on July 19, 2010, and directed the Planning Commission to study the issue and provide a recommendation as to how associated land use standards might be developed and implemented.

The Medical Marihuana Act does not specify locations where a qualifying patient may cultivate marihuana; does not specify the locations where a primary caregiver may cultivate marihuana; does not specify the manner or location in which medical marihuana may be delivered to a qualifying patient by the patient's caregiver; does not provide for medical marihuana facilities or for the regulation of medical marihuana growing facilities; and does not provide for medical marihuana dispensaries.

On November 4, 2010, the Planning Commission held a workshop and based on its findings, determined there is a need to engage the Michigan Legislature to make adjustments to the Act to render it more workable for local governments and to clarify the fundamental intent of the Act. After a lengthy discussion, the Planning Commission unanimously moved that staff bring back a Resolution that addressed concerns and issues of regulation at the local level, requested that the City Council extend the moratorium, and further suggested that the City Council join with the Planning Commission in requesting the State Legislators to take up this issue and develop guidelines for local land use and zoning standards to be developed.

For the December 7, 2010 Planning Commission Meeting, Staff and the City Attorney prepared a Resolution that detailed the challenges for local Implementation, requested the City Council extend the Moratorium, and asks the State Legislature to engage to address the issues for statewide and consistent clarification. Letters were also drafted and signed by the Planning Commission and were sent to the members of the State Legislature that represent Rochester Hills. All were unanimously approved. Minutes from both meetings are attached. The City Attorney has prepared a resolution for Council,

which asks for a six-month extension of the Moratorium and support for clarification of the Medical Marihuana Act from the State Legislature.

**RECOMMENDATION:**

Approval of a six-month extension of the Moratorium regarding Medical Marihuana and for a Resolution of support requesting the State legislators take up this matter and provide clarification.



<b>APPROVALS:</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>Department Review</b>		
<b>Department Director</b>		
<b>Mayor</b>		
<b>City Council Liaison</b>		