

COUNCIL COMMUNICATION

From: The City Manager

Subject: Medical Marihuana Moratorium Ordinance

Manager's Recommendation:

I recommend that a Moratorium Ordinance be enacted to prohibit certain land uses connected with medical Marihuana for a period of six months, or until a land use ordinance can be enacted. An Ordinance has been prepared and appears under the regular order of business.

Justification:

In 2008, a Michigan voter referendum approved the use of medical Marihuana. Neither the referendum nor the subsequent state regulations addressed the appropriate zoning for the various aspects of the new Marihuana uses. A municipality has the responsibility for regulating its land for the proper residential, commercial and industrial uses in its boundaries. There are few standard models from which to work for the proper zoning of Marihuana cultivation and related uses. The City of Saginaw, therefore, wants to study this issue and enact a new land use ordinance to properly address:

1. Cultivation or processing of Marihuana.
2. Distribution or dispensing of Marihuana.
3. Smoking or other administration of Marihuana.
4. "Grow stores", providing specialized equipment for cultivation of Marihuana, etc.
5. "Marihuana schools", teaching students how to cultivate and process Marihuana.

When a new zoning regulation is being reviewed and considered, it is common to enact a moratorium on the legal land uses to be addressed by that ordinance. The purpose is to prevent a rush to implement land use in an area if the developers believe that the use will be zoned out in the near future. The moratoria are limited in scope and this one will expire in six months or when a superceding zoning ordinance is enacted.

This proposal was discussed and approved at a public meeting of the Planning Commission on October 27, 2009.

Council Action:

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This Council Communication is for explanation of the ordinance and requires no separate approval.