

MINUTES
CITY OF FARMINGTON HILLS
CITY COUNCIL MEETING (VIA TELECONFERENCE)
NOVEMBER 9, 2020 – 6:00PM

The Study Session meeting of the Farmington Hills City Council was called to order by Mayor Barnett at 6:00pm.

Council Members Present: Barnett, Boleware, Knol, Massey, Newlin and Steckloff

Council Members Absent: Bridges

Others Present: Acting City Manager Mekjian, City Clerk Smith, Directors Gardiner and Seimer, Police Chief King, Planning Consultant Arroyo and City Attorney Joppich

MARIHUANA REGULATIONS

Attorney Joppich discussed with City Council the legalization of medical marihuana in Michigan in 2008 and the Michigan Medical Marihuana Act (MMMA). He stated that there were many questions following the legalization of medical marihuana and still are many unresolved questions. He noted that marihuana is still considered an illegal drug under federal law but generally is not enforced as such when it comes to small grow operations or dispensaries as legalized by state law.

He explained that the MMMA or Caregiver Act did not allow for dispensaries at that time and only addressed caregivers and a person's right to use medical marihuana. The Act allows for a caregiver to have up to 5 patients and to grow up to 12 plants per patient as well as up to 12 plants for themselves if they are also a patient.

Based on 2014 case law, the City Council approved an amendment to its zoning ordinance to allow for grow operations for caregivers or patients in single family homes with certain regulations. In 2020, additional case law upheld a local municipality's right to regulate grow operations through their zoning ordinance as the city had done.

Attorney Joppich indicated that due to various complaints raised recently to City Council regarding odor and noise, it was suggested that the issue was discussed to determine if further regulations are needed that may include looking at districts other than residential in which to allow for the grow operations. He stated that any amendment to the zoning ordinance would first go before the Planning Commission and in the past City Council has provided some direction to the Planning Commission through discussion at a study session meeting.

Attorney Joppich suggested holding City Council discussion on this portion of his presentation and if time permits, he will complete his presentation that addresses recreational marihuana and laws passed in 2016 and 2018 that also covered dispensaries.

Discussion was held on the maximum number of plants a caregiver could grow and whether existing businesses would be grandfathered and still permitted if a zoning amendment was made to prohibit grow operations in residential areas.

Attorney Joppich clarified that existing businesses that are legally operating would be grandfathered and permitted as a non-conforming use and patients would still be permitted to grow up to 12 plants for themselves in their own homes.

City Council concurred with having the Planning Commission review the zoning ordinance to further regulate grow operations by caregivers and made the following comments/suggestions:

- Prohibit future grow operations in residential areas, except as noted above by Attorney Joppich.
- Review permitting such operations in other districts, including but not limited to, industrial districts and other areas that may make sense for such operations.
- A concern was expressed with grow operations taking place in storage facilities throughout the community.
- Consider regulations on odor and noise, regardless if they are in the residential areas (grandfathered operations) or in another district as proposed by an amendment to the zoning ordinance.

Due to time constraints, it was agreed that Attorney Joppich would complete his presentation at a future study session meeting.

ADJOURNMENT

The study session meeting adjourned at 7:16pm

Respectfully submitted,



Pamela B. Smith, City Clerk