

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, September 12, 2019
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes from the regular meeting of August 15, 2019.
- III. Public Hearings
 - a. Hearing, Case 2019-23: Staff initiated request to rezone the property at 1713 7th St from I-2, Heavy Industrial to B-4 General Business and MC, Medical Care (northeast corner of property).
 - b. Hearing, Case 2019-24: Staff initiated request to amend the Medical Marihuana Facilities Licensing Act Overlay District to also allow for Recreational Marihuana facilities.
- IV. New Business
- V. Old Business
- VI. Other
 - a. Review of Chapter 2 of "Suburban Nation"
- VII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Meisch, City Clerk
933 Terrace Street

STAFF REPORT
September 12, 2019

Hearing, Case 2019-23: Staff initiated request to rezone the property at 1713 7th St from I-2, Heavy Industrial to B-4 General Business and MC, Medical Care (northeast corner of property).

SUMMARY

1. The property measures 2.7 acres and is zoned I-2, General Industrial.
2. Park Street Storage, which was demolished in 2018, was previously located on this site. The City now owns the property.
3. The City has been working with Catholic Charities of West Michigan on a land swap deal that would give this property to them and they would give their current building at the corner of 3rd/Houston to the City. Catholic Charities of West Michigan would use this new property to construct a new office building (in the area zoned B-4) and also a rehab center (in the area zoned MC). The City would work with developers to create a mixed-use development on the corner of 3rd/Houston.
4. This area is categorized by many different uses. In addition to residential homes, the Rescue Mission, Norchuck Supply, Keene Lumber, a carpentry shop and other small businesses are located in the direct vicinity. Staff feels that a downzoning from heavy industrial to general business is appropriate for the neighborhood.
5. Please see the zoning ordinance excerpts for I-2, B-4 and MC districts.

1713 7th St



Zoning Map



Aerial View



STAFF RECOMMENDATION

Staff recommends approval of the rezoning. The Master Land Use Plans call for buffer zones between residential and industrial uses.

DELIBERATION

Motion for consideration:

I move that the request to rezone the property at 1713 7th St from I-2, Heavy Industrial to B-4 General Business and MC, Medical Care be recommended to the City Commission for (approval/denial).

I-2 General Industrial

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

In an I-2 General Industrial District, buildings and land may be used for one (1) or more of the following specified uses, unless otherwise provided in this Article.

1. Any Principal Use Permitted in the I-1 District, subject to the requirements of this District.
2. Primary metal industries, including foundries, smelting and refining of metal or alloys, rolling and extruding plants.
3. Chemical plants whose manufacturing process produce products which are not hazardous materials as defined in the Fire Code.
4. Paper and pulp manufacturing.
5. Power generating plants.
6. Junk yards and scrap metal processing.
7. Rubber manufacturing or the remanufacturing of rubber products.
8. Medical Marihuana caregiver facilities to the extent licensed pursuant to City Code Sections 34-101 through 43-107 [03/11].
9. Uses similar to the above principal uses.

SECTION 1501: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as a special land use if it is found to meet the standards outlined in Section 2332 of this Ordinance, subject to applicable conditions imposed by Ordinance or other reasonable conditions imposed by the Planning Commission:

1. Any use with outside storage of aggregate, sand or other soil, or raw materials used in a manufacturing process such as brick, tile manufacturing plants, asphalt and cement batch plants.
2. Gasoline storage facilities.
3. Bulk storage or the production of acetylene, natural gas, and oxygen or other highly explosive or toxic gases. The storage of such gases for use in a production process or of an industry, business, or health care facility shall not be considered bulk storage.
4. Chemical plants whose manufacturing process produce products which are hazardous materials as defined in the Fire Code.
5. Wind Turbine Facilities [10/09].
6. Uses similar to the above Special Land uses.

SECTION 1502: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the I-2 General Industrial District is to allow mixed land uses, which are compatible to each other.

SECTION 1503: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 43,560 sq. feet.
2. Maximum lot coverage:
Buildings: 85 %
Pavement: 25 %
3. Lot width: 150 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height limit: 3 stories or 50 feet

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

6. Front Setbacks: [amended 1/05]
 Minimum:
 Expressway or Arterial Street : 30 feet
 Collector or Major Street: 20 feet
 Minor Street: 10 feet
 7. Rear setback: 10 feet
 8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
 9. Side setbacks:
 1-story: 10 feet and 20 feet
 2-story: 15 feet and 25 feet
 3-story: 20 feet and 30 feet
- Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]
10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
 11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]

B-4 General Business

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.
3. Stores selling second hand merchandise.
4. Funeral homes.
5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:
 - a. The curb for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. Major automobile repair, engine and body repair, steam cleaning and undercoating may be allowed when conducted on the site, and said uses shall be within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view. No automobile or vehicle of any kind shall be stored in the open for a period exceeding one (1) week.

- d. All rest rooms doors shall be shielded from adjacent streets and residential districts.
 - e. Dispensing pumps shall be set back twenty (20) feet from the right-of-way line.
- 7. Self service laundry and dry cleaning establishments.
- 8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
- 9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
- 10. Theaters, when completely enclosed.
- 11. Banks, with or without drive-in facilities.
- 12. Restaurants, cocktails lounges and brewpubs. [amended 3/12]
- 13. Micro breweries, small wineries and small distilleries [amended 3/12]
- 14. Motels and hotels.
- 15. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
- 16. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.
- 17. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios: [amended 5/02]
 - a. Parking is required to be provided on the same site as the building. Shared parking will be allowed, if it is irrevocable, and if it will not consume any parking needed for a separate use.
- 18. Principal Uses as permitted in B-2 Districts.
- 19. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
- 20. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following.
 - a. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets:
 - b. No major repair or major refinishing shall be done on the lot, such use of land being only permitted in the I-1 or I-2 Industrial Districts.
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet from the street right-of-way line of any existing or proposed major thoroughfare shall be maintained.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following: [amended 2/02]
 - a. Amusement parks or amusement facilities must be fenced on all sides with a four foot six inch (4'-6") high wall or fence.
5. Outdoor theaters subject to the following conditions:
 - a. Points of ingress and egress for the outdoor theater shall be on major thoroughfares and shall not be accessible from any residential street.
 - b. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated road right-of way.
6. Private clubs, lodges, social and similar facilities.

7. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
8. Commercial Kennels.
9. Mini Storage (warehouse facilities); (amended 10/98)
 - a. The parcel shall have direct access to a major thoroughfare.
 - b. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee on site.
 - c. Between warehouses, there shall be a minimum of twenty five (25') feet for internal access drives. Traffic direction and parking shall be designated by signaling or painting.
 - d. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
 - e. All lighting shall conform to section 2319 of this ordinance.
 - f. A ten foot landscaped berm shall be required in the front setback of areas adjacent to any residential zone or use.
 - g. Retail, wholesale, fabrication, manufacturing, or service activities may not be conducted from the storage units by the lessees.
 - h. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and one-half (1.5) ton rated capacity shall be permitted.

- i. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
 - j. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
- 10. Live music concert halls, under the following conditions: [amended 8/02]
 - a. The business will operate in such a manner as to comply with the Noise Ordinance enacted by the City of Muskegon. No music (either live or piped) will be permitted outside the building.
 - b. The business will maintain security staff, both inside and outside the building, at all times when open to customers. Loitering will not be permitted on or around the site.
 - c. The business will not operate between the hours of 3:00 a.m. and 8:00 a.m. No person of 16 years of age or younger will be permitted within the business after midnight and must directly exit the premises after that time.
 - d. The site and general vicinity will be maintained and litter-free, and will be checked for litter every day before opening.
 - e. Security lighting will be provided for the site.
- 11. Taxi/Limousine Services [amended 5/04]
- 12. Craft Shops [amended 5/08]
- 13. Wind Turbine Facilities [amended 10/09].
- 14. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
- 15. Uses similar to the above Special Land Uses Permitted.

SECTION 1302: PLANNED UNIT DEVELOPMENTS

Planned Developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-4 General Business Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings or permitted commercial uses.

SECTION 1303: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 70 %
Pavement: 25 %
3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 2 stories or 35 feet
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.

Clay Avenue; from Seventh Street to Fourth Street.

Pine Street; from Western Ave. to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

6. Front Setbacks: [amended 1/05]
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet
Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet
7. Rear setback: 10 feet
8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).

9. Side setbacks:
1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet
Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]
10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
- a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]

MC Medical Care

MC MEDICAL CARE DISTRICTS [amended 2/03]

PREAMBLE

The MC Health Care districts are established to accommodate and direct the development of hospitals to serve as the nucleus of health care campuses. The uses permitted within these districts are intended to provide a convenient and efficient health care delivery system for the City and surrounding region. In addition to hospitals, MC districts permit development of closely related services such as medical offices, housing for the elderly and special needs groups; and, limited retail and various types of health care related services ancillary to principal district uses. It is the further intent of MC districts to assist and encourage the development of medical institutional land uses in a campus setting which includes not only the primary buildings and structures, but also, campus support systems involving pedestrian and vehicular circulation, parking, signs, exterior lighting, loading and materials handling, support facilities, interconnecting systems of above and below ground corridors, and related facilities. The districts are intended to support uses providing human care.

SECTION 904: PRINCIPAL USES PERMITTED

In an MC Medical Care District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. General medical, surgical hospitals and specialty hospitals, but not including animal hospitals.
2. Outpatient diagnostic and treatment centers, day surgery centers, rehabilitation clinics, and urgent care facilities.
3. Professional medical offices intended primarily for health care related professions or activities or hospital support services.
4. Offices for non-profit organizations related to or providing health care services.
5. Diagnostic and medical laboratories or research facilities.
6. Pharmacies without drive-up window service.
7. Medical appliance sales and servicing.
8. Educational facilities for the training of interns, nurses, and allied health care personnel.

9. Specialized congregate housing for the disabled and senior housing for the elderly at a density not to exceed the density standards of the RM-3, High Density Multiple Family Zone District. The density to be based on the area encompassed by the housing structure(s) and parking and open spaces specifically assigned to the specialized housing.
10. Conference facilities for events and activities related to the permitted MC district uses.
11. Ambulance services and associated maintenance facilities.
12. Parking decks (associated with uses permitted in the MC district) of up to two (2) levels above grade (roof parking is not counted as a deck) provided the setbacks for principal buildings are met.
13. Private, indoor, recreational facilities and fitness centers located within a hospital, provided such facilities are for employees and patients and not available to the general public.
14. Chapels, churches, places of worship, and related facilities, when located within a hospital building.
15. Accessory mobile medical technology units which will be stationed on the grounds of a hospital campus.
16. Establishments engaged in providing diagnostic services, extensive medical treatment (including surgical services) and other hospital services, as well as continuous nursing service.
17. Establishments primarily engaged in providing intermediate or long term nursing and health related care to individuals, typically classified as nursing homes, elder care facilities, and other such operations.
18. Dwellings affiliated with a hospital providing shelter and services for the elderly, which may include meals, housekeeping, personal care assistance and medical services.
19. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
20. Uses similar to the above Principal Permitted Uses.

SECTION 905: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Any permitted use, which includes provision for drive-up window services.

2. Pharmacies with drive-up window service.
3. Parking decks (associated with uses permitted in the HC district) exceeding two (2) levels above grade (roof parking is not counted as a deck) provided the setbacks for principal buildings are met.
4. Specialized lodging facilities, including those with accessory conference centers and restaurants used for visitors and patients of hospitals.
5. Accessory mobile medical technology units which will be stationed outside the grounds of a hospital campus.
6. Interconnected systems of above and below ground corridors when traversing a public right-of-way.
7. Helipads, heliports, and helistops, under the following conditions:
 - a. Helicopter access must be used for emergency transportation only.
 - b. All helipads must be located within the boundaries of the hospital campus and shall be isolated from residential uses and screened from the street or adjoining residential uses.
 - c. A specific hospital campus shall have only one primary functioning helipad, however, a back-up or secondary helipad may exist subject to Planning Commission approval.
 - d. There must be demonstrated compliance with the standards of the Michigan Bureau of Aeronautics and the Federal Aviation Administration.
 - e. All landing and take-off sites (pads) shall be located not less than 100 feet from all property lines, unless a lesser distance is approved by the Planning Commission.
 - f. The landing and take-off site shall contain perimeter landscape, fencing, and/or other facilities or structures, or combinations thereof.
 - g. The site shall be designed to ensure adequate separation between pedestrian circulation routes and the landing pad.
8. Power Plants – for hospital or medical facilities provided they are screened from off-site view of residential areas by use of walls, berms, landscaping, and/or other approved structures. Plants shall blend with the overall architectural character of attached and surrounding structures and the hospital campus as a whole.
9. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.

SECTION 906: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the MC Health Care Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 707: AREA AND BULK REQUIREMENTS

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 70 %
Pavement: 25 %
3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 3 stores or 100 feet, provided, however, buildings of greater height may be approved by the Planning Commission subject to a Special Use Permit.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

6. Front Setbacks:
Minimum:
Expressway, Arterial Street or Major Street: 30 feet
Collector Street: 20 feet
Minor Street or campus access drive: 10 feet

Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street or campus access drive: 30 feet
7. Rear setback: 10 feet

8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
9. Side setbacks:
 - 1-story: 8 feet and 12 feet
 - 2-story: 10 feet and 14 feet

Note, setback measurement: The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings.

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side yard line provided:
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of the required front yard setback shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained.
12. Pedestrian Circulation:
 - a. Pedestrian systems connecting visitor and employee parking to building entrances shall be provided.
 - b. Whenever a hospital campus, or portion thereof, is located adjacent to public sidewalks or non-motorized pathways under the control of the City, the hospital's pedestrian and vehicular circulation systems shall be designed to link with these public systems in a safe and efficient manner.

Hearing, Case 2019-24: Staff initiated request to amend the Medical Marihuana Facilities Licensing Act Overlay District to also allow for Recreational Marihuana facilities.

SUMMARY

1. Please see the enclosed zoning ordinance excerpt of Section 2330: Medical Marihuana Facilities Overlay District.
2. Staff is proposing to amend the ordinance to also allow for Recreational Marihuana. Please see the new proposed ordinance for Section 2330, titled "Marihuana Facilities Overlay District."
3. The types of Medical Marihuana facilities that have been allowed in our current zoning include Growers, Processors, Provisioning Centers, Safety Compliance and Transportation. These licenses are also allowed under the Recreational Marihuana law, however Provisioning Centers are referred to as Retailers. The Recreational Marihuana law also allows for the following new types of licenses:
 - Microbusinesses
 - May cultivate up to 150 plants
 - May process and package marihuana
 - May conduct retail sales to customers but not other marihuana establishments
 - Temporary Marihuana Event - This license allows a Marijuana Event Organizer to run an event, which has been approved by the local municipality, where the onsite sale or consumption of marijuana products, or both, are authorized at a specific location for a limited time. Licensed Retailers and Microbusinesses may participate. The Marijuana Event Organizer is required to hire security and ensure that all rules and requirements for onsite consumption of marijuana products are followed. Events may last 1-7 days. May only be held at a venue expressly approved by a municipality for the purpose of holding a temporary marihuana event
 - Designated Consumption Establishment - Allows the license holder, with local approval, to operate a commercial space that is licensed by the MRA and authorized to permit adults 21 years of age and older to consume marijuana and marijuana products on premises. A Designated Consumption Establishment license does not allow for sales or distribution of marijuana or marijuana product, unless the license holder also possesses a Retailer or Microbusiness license. A person that allows consumption of marihuana products on the premises of a nonresidential location and charges a fee for entry, sells goods or services while individuals are consuming on the premises, or requires membership for entry shall acquire a designated consumption establishment or temporary marihuana event license.
 - Excess Marihuana Grower - Allows a licensee who already holds five adult-use Class C Grower licenses to expand their allowable marijuana plant count.
4. Staff is proposing to allow all of the legal Recreational Marihuana facilities to locate within the current Medical Marihuana Facilities Overlay District and rename it Marihuana Overlay District. However, new building and site requirements have been added to increase the revitalization efforts of the area. Please see the Redlined version of the new ordinance.
5. The State is only allowing businesses with approved Medical Marihuana licenses to apply for Recreational Marihuana licenses for the first two years. Our current Medical Marihuana Facilities Overlay District has resulted in the transformation of at least two severely blighted properties into attractive properties. There are also at least 15 other properties within the district that have been

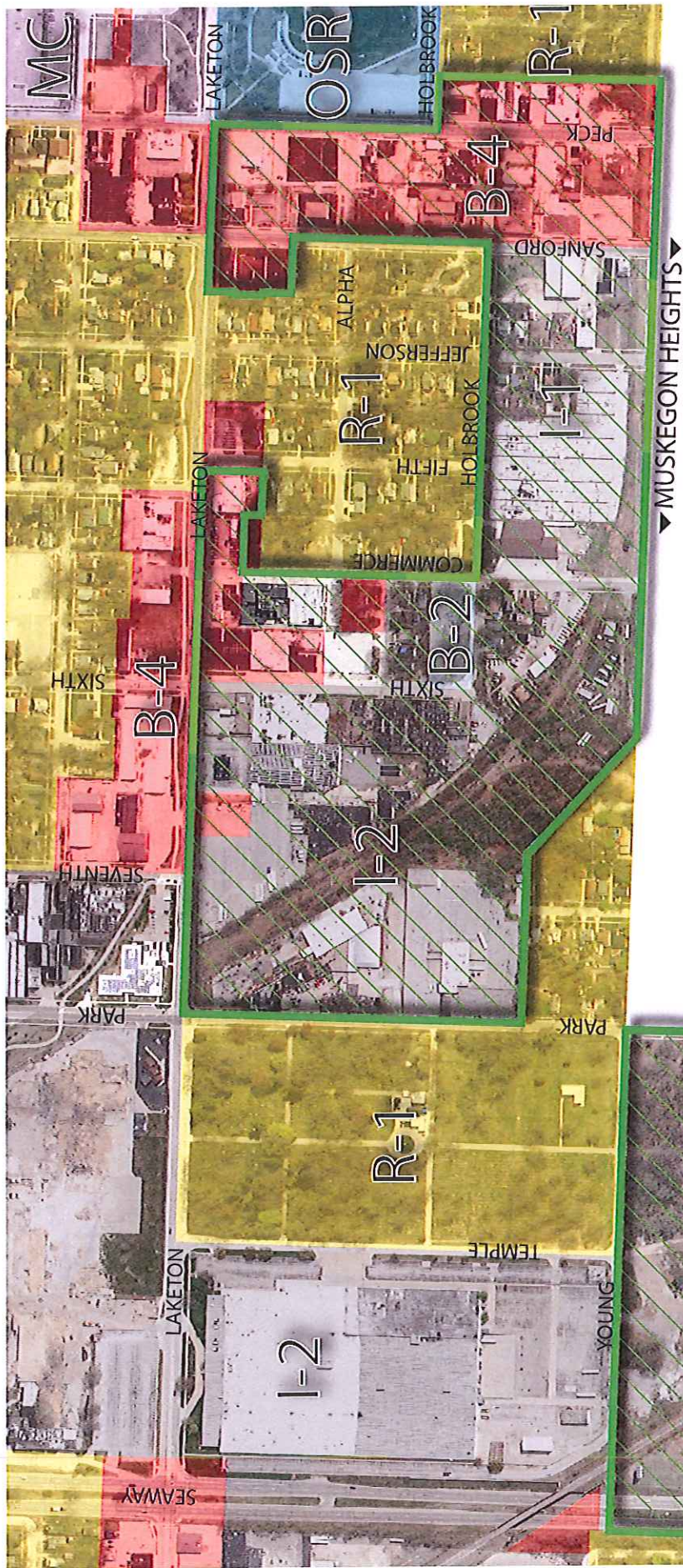
approved and are currently designing their facilities. These license holders are likely to cancel their investments if they are not allowed to apply for recreational licenses as well.

6. The State will begin accepting Recreational Marihuana license application on November 1. The City must either opt out of Recreational Marihuana or have an adopted ordinance before that date, otherwise they may locate anywhere within the City.

DELIBERATION

Motion for consideration:

I move that the request to amend the Medical Marihuana Facilities Licensing Act Overlay District to also allow for Recreational Marihuana facilities be recommended to the City Commission for (approval/denial).



 PROPOSED MMFLA & RECREATIONAL DISTRICT	
B-4	GENERAL BUSINESS
B-2	CONVENIENCE COMPARISON BUSINESS
I-1	LIGHT INDUSTRIAL
I-2	GENERAL INDUSTRIAL
MC	MEDICAL CARE
OSR	OPEN SPACE RECREATION
R-1	SINGLE-FAMILY RESIDENTIAL



SECTION 2330: MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS

A Medical Marihuana Facilities Overlay Districts is hereby created as outlined in Figure 23-2. Within said overlay district only, Medical Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 are permitted.

A. Overlay District:

1. Location: Please see Figure 23-2 for the location of the overlay district. Within the overlay district, licenses for Provisioning Centers, Growers, Processors, Secure Transporters and Safety Compliance Facilities are permitted.

B. Growers and Processors Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling.
 - e. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
4. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

C. Provisioning Center Requirements:

1. Hours. Provisioning Centers may operate between the hours 8 am and 8 pm.
2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.

3. Building and Site Amenities. All Provisioning Centers must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
 - d. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors.
 - e. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling.
 - f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.
5. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

D. Safety Compliance Facility Requirements:

1. Indoor Activities. All activities of a marijuana safety compliance facility shall be conducted within the structure and out of public view.
2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - a. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors.
 - b. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling.
3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marijuana plants and products will be disposed.

E. Secure Transporter Requirements:

1. Storage. Marijuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.

2. Building and Site Amenities. All Secure Transporter buildings must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling.
3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

Deletions are in ~~red~~, additions are highlighted.

SECTION 2331: ~~MEDICAL~~ MARIHUANA FACILITIES OVERLAY DISTRICT

A ~~Medical~~ Marihuana Facilities Overlay District is hereby created as outlined in Figures 23-2. Within said overlay district only, Medical Marihuana Facilities and Recreational Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 and (to be determined) are permitted.

A. Overlay District:

1. Location: Please see Figure 23-2 for the location of the overlay district. Within the entire overlay district, licenses for Provisioning Centers, Growers, Processors, Secure Transporters and Safety Compliance Facilities are permitted for Medical Marihuana Facilities. A smaller area within the overlay district allows for Recreational Marihuana licenses for Retailers, Microbusiness, Designated Consumption Establishments, Temporary Marihuana Events, Growers, Processors, Secure Transporters and Safety Compliance Facilities.

B. Grower, Excess Grower, and Processor Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of linear road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may

allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.

- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
4. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

C. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:

1. Hours. ~~Provisioning Centers may operate between the hours 8 am and 8 pm.~~

Provisioning Centers, Retailers and Microbusinesses and Designated Consumption Establishments may operate between the hours 8 am and 12 pm.

2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.
3. Building and Site Amenities. All Provisioning Centers, Retailers, Microbusinesses and Designated Consumption Establishments must meet the following amenity requirements:
 - a. ~~Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.~~
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
 - d. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - e. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - f. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may

allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.

- g. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
- 4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.
- 5. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

D. Safety Compliance Facility Requirements:

- 1. Indoor Activities. All activities of a marihuana safety compliance facility shall be conducted within the structure and out of public view.
- 2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- 3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
- 4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marihuana plants and products will be disposed.

E. Secure Transporter Requirements:

1. Storage. Marihuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.
2. Building and Site Amenities. All Secure Transporter buildings must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

F. Temporary Marihuana Event Requirements:

1. Temporary Marihuana Events may be held within the allowed area for Recreational Marihuana Facilities, including parking lots and the public right-of-way, with the issuance of all necessary local and state permits.

G. Landscaping Requirements:

1. All required front setbacks shall be landscaped with a minimum of two canopy or shade trees, four understory or evergreen trees and four shrubs, for each 30 lineal feet of road frontage. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
2. All terraces (area between street and sidewalk) shall be landscaped with a minimum of one canopy tree for each 20 lineal feet of road frontage.
3. Properties that cannot meet these landscaping requirements because of site conditions may allow the Zoning Administrator to locate the required landscaping anywhere within the overlay district or within 500 feet of its boundaries. Required understory trees, evergreen trees and shrubs may be replaced with canopy trees within the terrace at a 1:1 ratio.