AGENDA
LEGISLATIVE POLICY COMMITTEE MEETING
WEDNESDAY, JANUARY 27, 2021
5:30 P.M.
VIA ZOOM

I. Call to Order

II. Approval of Minutes for September 23, 2020

III. Old Business

IV. New Business

1) Amendment to the Zoning Ordinance – Marijuana – Mike Franzak –Marijuana Facilities Overlay District

2) Public Hearing Process – LeighAnn Mikesell

V. Adjourn

CITY OF MUSKEGON
LEGISLATIVE POLICY COMMITTEE
Minutes
Wednesday, September 23, 2020
5:30 pm
Via Zoom

Present: Commissioners Hood, Rinsema-Sybenga, Emory, Ramsey, Johnson, German (arrived at 6:35 pm), and Gawron.
Absent: None.

Approval of Minutes
Commissioner Rinsema-Sybenga moved, Commissioner Ramsey seconded, to approve the minutes of November 23, 2019.

MOTION CARRIED.

Discussion of City Attorney's Letter Regarding Gift Cards
The City Attorney investigated the legality of purchasing gift cards from area restaurants during the pandemic to assist local restaurants forced to close. He provided a letter of the results of his findings.

After a lengthy discussion, the City Commission did decide to create two work groups consisting of Commissioners and staff. One group would be to discuss how to spend the gift cards and another group to review the purchasing and financial policies.

Motion by Commissioner Rinsema-Sybenga, seconded by Vice Mayor Hood to establish a work group to review the purchasing and financial policies of the City and appoint Commissioner Ramsey and Commissioner Rinsema-Sybenga as representatives of the City Commission and appoint Beth Lewis who will designate city staff as part of the committee.

ROLL CALL VOTE:

Ayes: Ramsey, Rinsema-Sybenga, Emory, Johnson, Gawron, and Vice Mayor Hood.
Nays: None.
Absent: Commissioner German.

MOTION CARRIED.

Motion by Commissioner Johnson, seconded by Commissioner Rinsema-Sybenga to establish a work group to study how to utilize the gift cards.

ROLL CALL VOTE:

Ayes: Rinsema-Sybenga, Emory, Johnson, Gawron, Hood, and Ramsey.
Nays: None.
Absent: Commissioner German.

MOTION CARRIED.

Motion by Commissioner Johnson, seconded by Commissioner German to authorize a third-party inquiry into fiscal year 2020 Public Improvement Fund.

ROLL CALL VOTE:

Ayes: Emory, Johnson, Ramsey, German, and Rinsema-Sybenga.
Nays: Gawron and Hood.

MOTION CARRIED.

Adjournment
Motion by Vice Mayor Hood, seconded by Commissioner Rinsema-Sybenga to adjourn the meeting at 7:45 pm.

MOTION CARRIED.

_____
Ann Marie Meisch, MMC
City Clerk

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Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: January 27, 2021	Title: Amendment to the Zoning Ordinance – Marihuana
Submitted By: Mike Franzak	Department: Planning

Brief Summary: Staff-initiated request to amend the zoning ordinance to allow for Microbusinesses, Designated Consumption Establishments, Class A Recreational Grows (Up to 100 plants), Class B Recreational Grows (Up to 500 plants), Class A Medical Grows (Up to 500 plants) and temporary marihuana events as a special use permitted in I-1, I-2, MC, B-2 and B-4 zoning districts.

Detailed Summary: This case was tabled at the December City Commission meeting.

At the Planning Commission in November, a motion that the request to amend the zoning ordinance to allow for Microbusinesses, Designated Consumption Establishments, Class A Recreational Grows, Class B Recreational Grows, Class A Medical Grows and temporary marihuana events as a special use permitted as part of the Michigan Regulation and Taxation of Marihuana Act in I-1, I-2, MC, B-2 and B-4 zoning districts be recommended to the City Commission for approval , with the following amendments: Any adult-use marihuana business shall not be located within a 500-foot radius of any property occupied by: (1) a public playground, (2) a public park, (3) public housing, (4) a religious institution, (5) a public or private, vocational school, college, junior college, or university, (6) a state-licensed child care center or pre-school, (7) any public swimming pool, public or private youth activity facility, public outdoor recreation area (except trails), or public recreation facility, (8) a youth center, (9) a juvenile or adult halfway house, (10) correctional facility or rehab center; and that microbusinesses and designated consumption establishments may only operate from 11:00 PM, not 12:00 AM, was made by J. Montgomery-Keast, supported by L. Spataro and approved, with J. Montgomery-Keast, L. Spataro, B. Mazade, J. Doyle voting aye, and B. Larson and T. Michalski voting nay.

Please see the zoning ordinance excerpt regarding Section 2331, the Marihuana Facilities Overlay District. The ordinance is not as restrictive on locations as the new ordinance proposed by the Planning Commission.

Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion:	

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action

SECTION 2331: MARIHUANA FACILITIES OVERLAY DISTRICT

A 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 34-301 through 34-307 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, 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 Consummation Establishments must meet the following amenity requirements:
   a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
   b. 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.
   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 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.
   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.

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.

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Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: January 27, 2021	Title: Public Hearing Process
Submitted By: LeighAnn Mikesell	Department: Development Services
Brief Summary: Staff is seeking approval to modify the process for holding public hearings at city commission meetings.	
Detailed Summary: Staff would like to be able to address comments received from the public so that commissioners have a full picture of the topic before voting. The proposal is to modify the process as follows. Clerk reads brief summary of agenda item Staff presents details on the item Public hearing is opened, and comments are received from the public Staff addresses questions/comments received during the public hearing Commissioners close the public hearing and deliberate Commissioners vote on the agenda item	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the new process for holding public hearings at city commission meetings as proposed.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	