

Notice of Public Hearing

Proposed Zoning Amendment

The Manistee City Planning Commission will hold a Public Hearing for proposed changes to the Zoning Ordinance on Thursday, May 16th, 2019 at 7:00pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

The Zoning Amendment Z19-13 has been prepared to address changes to the Zoning Ordinance in Article 2 Definitions, Article 3 Districts, Dimensional Standards, Uses Table, Article 18 Standards and Requirements for Special Uses and the addition of Article 20 MSO Marihuana Sales Overlay District.

Article 2 Section 214 M

Add: Marihuana Provisioning Center: A licensed commercial business that sells medical marihuana under the authority of the Medical Marihuana Facilities Licensing Act 281 of 2016

Article 2 Section 214 M

Add: Marihuana Grower Establishment: means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Add: Marihuana Safety Compliance Establishment: means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Add: Marihuana Processor Establishments: means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Add: Marihuana Microbusiness Establishments: means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Add: Marihuana Retailer: means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Add: Marihuana Secure Transporter Establishments: means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Article 2 Section 217P

Add: Person, as used In reference to the Michigan Regulation and Taxation of Marihuana Act: means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Article 3 Section 300 D. Overlays

Add: 4. Marihuana Sales Overlay District

Amend the Existing Zoning Map under the authority of Section 301 Subsections C. and E. with a new overlay district boundary.

Article 3 Table 3-2

Add: Marihuana Sales Overlay (MSO) District as a new district

Article 3 Table 3-2

Add: Marihuana Provisioning Center to Table as SLU

Add: Marihuana Grower Establishment as a SLU

Add: Marihuana Safety Compliance Establishment as a SLU

Add: Marihuana Processor Establishments as a SLU

Add: Marihuana Microbusiness Establishments as a SLU

Add: Marihuana Retailer as a SLU

Add: Marihuana Secure Transporter Establishments as a SLU

Add: Marihuana Sales Overlay District as a new District

Article 18 Section 1851

Amend Sub-Section B: Regulations and Conditions

1. A marihuana grower, marihuana processor, marihuana secure transporter, ~~and~~ marihuana safety compliance facility, and marihuana provisioning center, in accordance with the provisions of state law may be permitted through the issuance of a special use permit pursuant to Article 18 Standards and Requirements for Special Uses provided that:

Amend Sub-Section 2. Marihuana Growers and Marihuana Processors Item a. 3) as outlined below:

- 3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.

Add Sub-Section 5 as Outlined below:

5: Marihuana Provisioning Center: Marihuana Provisioning Centers shall be subject to the following standards:

- a. Hours of Operation: Hours of operation shall be between the hours of 10am and 8pm during any day of the week.
- b. Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)

- c. Use/consumption of marihuana products: No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
- d. Sale of Marihuana and Marihuana products: Marihuana and marihuana products may only be sold within the establishment/building.
- e. Delivery of Marihuana and Marihuana Products: All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- f. Signage: Refer to the sign standards contained within Article 20: Marihuana Sales Overlay District.
- g. Parking: All off-street parking shall be in compliance with section 514 of this Ordinance.
- h. Landscaping: Landscaping and Buffering shall be provided in accordance with Section 531 of this Ordinance.
- i. Exterior Lighting: All exterior lighting shall be in accordance with section 525 of this Ordinance.

Amendments under Section 1852 Marihuana Establishments

Add: A **Definition:** Marihuana Establishments means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., including Marihuana Grower, Marihuana Safety Compliance, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer or Marihuana Secure Transporter.

Add: B. **Regulations and Conditions**

- 1. A marihuana grower, marihuana processor, marihuana safety compliance, marihuana retailer, marihuana microbusiness and marihuana secure transporter may be permitted through the issuance of a special use permit in certain districts pursuant to Article 18 Standards and Requirements for Special Uses provide that:
 - a. In the P-D District marihuana grower, marihuana processor, marihuana safety compliance and marihuana secure transporter shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions of Section 1858.
 - b. At the time of application for a special use permit the marihuana establishment must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by the State of Michigan.
 - c. The use of establishment must at all times be in compliance with Chapter 867 Recreational Marihuana Establishments and all other applicable laws and ordinances of the City of Manistee.
 - d. A marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

2. Marihuana Growers, Marihuana Processors and Marihuana Microbusinesses: Marihuana growers, marihuana processors and marihuana microbusinesses shall be subject to the following standards:
 - a. Odor: As used in this subsection, building means the building or portion thereof, used for marihuana production or marihuana processing.
 - 1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - 2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - 3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - 4) Negative air pressure shall be maintained inside the building.
 - 5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - 6) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - b. All off-street parking shall be in compliance with Section 514 of this ordinance.
 - c. Landscaping and Buffering shall be provided in accordance with Section 531 of this zoning ordinance.
 - d. All exterior lighting shall be in accordance with Section 525 hereof.
3. Marihuana Safety Compliance Establishment: All activities of a marihuana safety compliance establishment, including all transfers of marihuana, shall be conducted within the structure out of public view.
4. Marihuana Secure Transporter Establishment: A marihuana secure transporter shall be subject to the special regulations and standards applicable to Section 1889 Warehouse, Public uses in the Ordinance.
5. Marihuana Retailer and Marihuana Microbusiness with retail uses shall be subject to the following standards:
 - a. Hours of Operation: Hours of operation shall be between the hours of 9am and 8pm during any day of the week.
 - b. Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
 - c. Use/consumption of marihuana products: No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.

- d. Sale of Marihuana and Marihuana products: Marihuana and marihuana products may only be sold within the establishment/building.
- e. Delivery of Marihuana and Marihuana Products: All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- f. Marihuana Microbusiness Growers:
 - i. All grow areas may not be viewable to the public or from publicly accessible areas of the building/establishment.
 - ii. Grow areas are permitted within the same building as retail uses but must be completely separate and separated by lock and key from retail uses.
- g. Signage: Refer to the sign standards contained within Article 20: Marihuana Sales Overlay District.
- h. Parking: All off-street parking shall be in compliance with section 514 of this Ordinance.
- i. Landscaping: Landscaping and Buffering shall be provided in accordance with Section 531 of this Ordinance.
- j. Exterior Lighting: All exterior lighting shall be in accordance with section 525 of this Ordinance.

Amend Article 18 to change Section 1853 to Marina and all following use regulations

Amend Article 18 to change Section 1854 to Medical Or Dental Office and all following use regulations

Add: Article 20

MSO Marihuana Sales Overlay District

Section 2000: Purpose and Intent

It is the intent of this overlay district to provide a location for the sale of marihuana and marihuana infused products from licensed provisioning centers under the Medical Marihuana Facilities Licensing Act MCL 333.27101 et seq. or from licensed marihuana retailers or licensed marihuana microbusinesses under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

Special Uses:

- Marihuana Provisioning Center
- Marihuana Retailer
- Marihuana Microbusiness

Section 2001: Uses Permitted by Right

All uses of the underlying zoning district outlined as a permitted use shall remain a permitted use allowable in this overlay district.

Section 2002: Uses Permitted by Special Use Permit

All special uses of the underlying zoning district outlined as a special use shall remain an allowable special use in this overlay district.

The following uses of buildings and land may be permitted within the MSO District, as a special land use subject to the provisions of Article 18, Special Use Approval.

- A. Marihuana Provisioning Center
- B. Marihuana Retailer
- C. Marihuana Microbusiness

Section 2003: Dimensional Standards

- A. All dimensional standards of the underlying zoning district shall apply to all lots, parcels and structures within the overlay district.

Section 2004: Mixed Use and Dwellings

- A. Dwellings shall not be permitted in the same building/structure as a marihuana business outlined in section 2000.

Section 2005: Sign Standards

- A. These standards shall apply to all marihuana related businesses outlined in Section 2000
- B. Sign permitting and standards shall follow the standards set forth in Article 21, except the following standards shall preside within this overlay district:
 - 1) Signs may not be internally illuminated
 - 2) No flashing, flickering, strobing, scrolling or other changes in light intensity may occur on any portion of a sign or light that is directed at a sign.
 - 3) No Pole Signs are permitted

Section 2006: Additional Standards

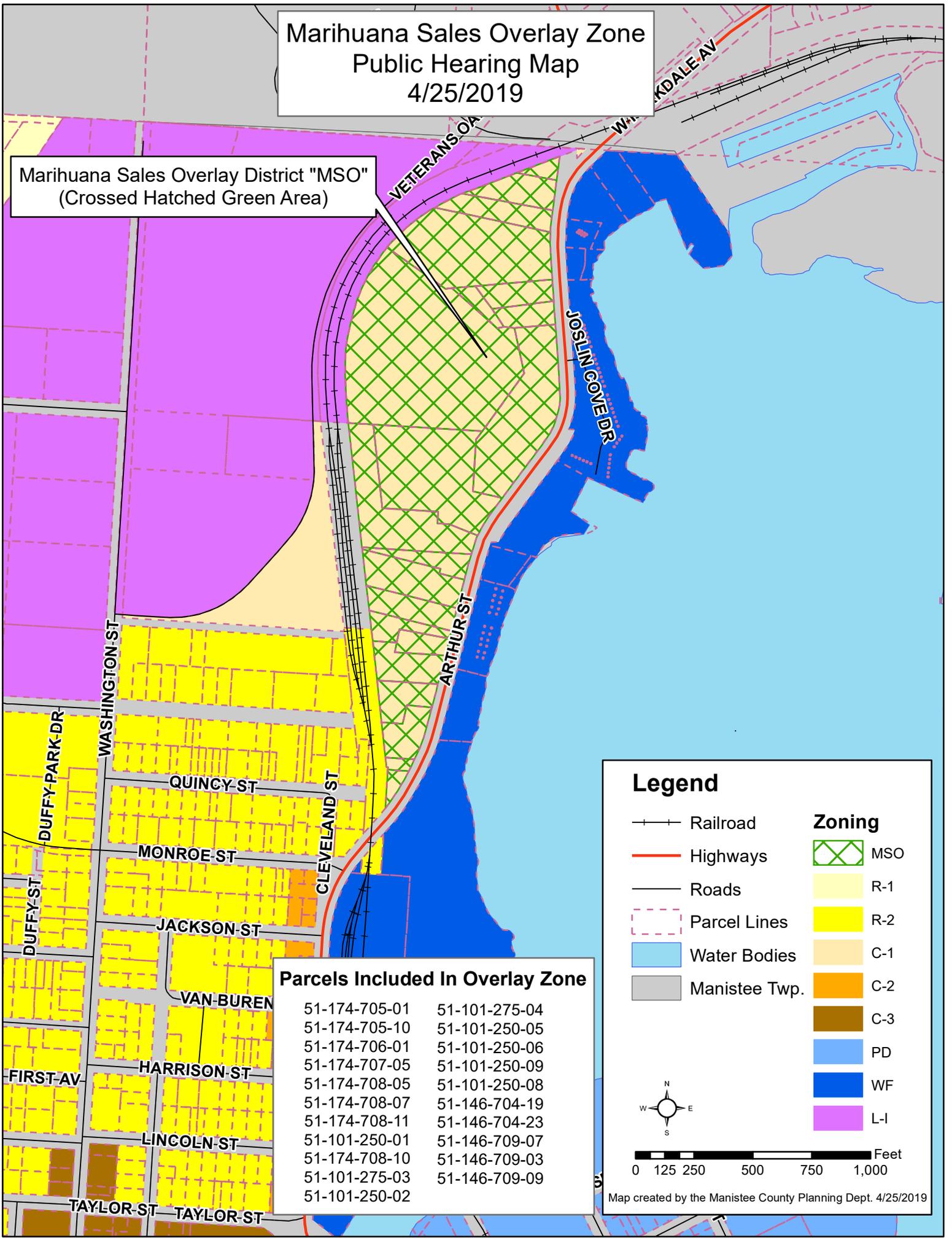
- A. Site Plan requirements subject to Section 2203, except for upper story dwellings, which are subject to Section 2201.A
- B. Vehicular Parking Space, Access and Lighting requirements subject to Section 514
- C. Landscaping Requirements subject to Section 531
- D. Dumpsters and Enclosures subject to Section 506
- E. Outdoor Lighting requirements, subject to Section 525
- F. US 31 Corridor Overlay District requirements, subject to Article 19

The Following Parcels are included in the Overlay Zone: 51-174-705-01, 51-174-705-10, 51-174-706-01, 51-174-707-05, 51-174-708-05, 51-174-708-07, 51-174-708-11, 51-101-250-01, 51-174-708-10, 51-101-275-03, 51-101-250-02, 51-101-275-04, 51-101-250-05, 51-101-250-06, 51-101-250-09, 51-101-250-08, 51-146-704-19, 51-146-704-23, 51-146-709-07, 51-146-709-03, 51-146-709-09

Copies of the proposed Amendments and Zoning Overlay District Map are available for review at the Office of the City Clerk, City Hall, 70 Maple St. Manistee, MI; the Manistee County Planning Department, 395 Third St. Manistee, MI and on the City's Web Page www.manisteemi.gov. Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Manistee County Planning Dept., 395 Third St. Manistee, MI 49660 or to planning@manisteecountymi.gov.

Marihuana Sales Overlay Zone Public Hearing Map 4/25/2019

Marihuana Sales Overlay District "MSO"
(Crossed Hatched Green Area)



Parcels Included In Overlay Zone

51-174-705-01	51-101-275-04
51-174-705-10	51-101-250-05
51-174-706-01	51-101-250-06
51-174-707-05	51-101-250-09
51-174-708-05	51-101-250-08
51-174-708-07	51-146-704-19
51-174-708-11	51-146-704-23
51-101-250-01	51-146-709-07
51-174-708-10	51-146-709-03
51-101-275-03	51-146-709-09
51-101-250-02	

Legend

- Railroad
 - Highways
 - Roads
 - Parcel Lines
 - Water Bodies
 - Manistee Twp.
- Zoning**
- MSO
 - R-1
 - R-2
 - C-1
 - C-2
 - C-3
 - PD
 - WF
 - L-I

