

**CITY OF MT. MORRIS
PLANNING COMMISSION AGENDA
June 19th, 2023
6:30 p.m.**

- 1. MEETING CALLED TO ORDER:** Chairperson, Sara Black
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES:** Approval of May 15th, 2023, regular meeting minutes.
- 5. COMMUNICATIONS:**
 - a. None
- 6. PUBLIC COMMENT:**
- 7. UNFINISHED BUSINESS:**
 - a. None
- 8. NEW BUSINESS:**
 - a. **Discussion on proposed changes to MMC Code of Ordinances to regulate caregiver operations.**
- 9. PUBLIC COMMENT:**
- 10. UPDATES:**
- 11. PLANNING COMMISSION COMMENTS:**
- 12. ADJOURNMENT:**

**PLEASE BE COURTEOUS TO OTHERS
SILENCE ALL CELL PHONES & OTHER DEVICES PRIOR TO THE MEETING**

**CITY OF MT MORRIS
PLANNING COMMISSION
May 15th, 2023**

At 6:36 p.m., Vice-Chairperson Chris Vogt called the Planning Commission Meeting to order.

PRESENT: Chris Vogt, Yusef Harrold, Eric Calcut, City Manager/Treasurer Vicki Corlew and Mayor Sara Dubey.

ABSENT: Sara Black, Melissa Neuwirth, Andrew Sorensen, and Kenneth Andrews.

OTHERS: City Clerk Spencer Lewis.

ROLL CALL:

None.

APPROVAL OF AGENDA:

A motion was made by Mayor Sara Dubey, seconded by Eric Calcut to approve the agenda.

All Ayes

Motion carried.

APPROVAL OF MINUTES:

A motion was made by City Manager/Treasurer Vicki Corlew, seconded by Eric Calcut to approve the regular meeting minutes from April 17th, 2023.

All Ayes

Motion carried.

COMMUNICATIONS:

None.

PUBLIC COMMENT:

None.

UNFINISHED BUSINESS:

- a. None.

NEW BUSINESS:

a. Public Hearing: 12055 North Saginaw Conditional Use Permit

A motion was made by Eric Calcut, seconded by Yusef Harrold to open the public hearing for 12055 North Saginaw St. Conditional Use Permit at 6:38 p.m.

All Ayes.

Motion Carried.

Maureen McGillis, 13248 Parklane – Maureen questioned where this property is located? And what are they going to do with it?

City Manager/Treasurer Vicki Corlew stated that it is in the old Maple Town Printing building on the corner of Garfield and N. Saginaw.

Chris Vogt stated that on the conditional use permit application it is proposed to be a church.

The pastor from the church in question was present, and stated that he was here to answer any questions that anyone might have.

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A motion was made by City Manager/Treasurer Vicki Corlew, seconded by Yusef Harrold to approve the site plan application from Sleep Money Investments, LLC for the property located at 12055 N. Saginaw based on the following findings of fact:

- The proposed church addresses Standard A. there are no proposed changes to the exterior of the property.
- The proposed church addresses Standard B. because the proposed use is operated entirely inside the building.
- The proposed church addresses Standard C. because there is no proposed increase to utility service demands.
- The proposed church addresses Standard D. because there are no proposed changes to the existing exterior of the property.
- The proposed church addresses Standard E. because no hazardous substances are proposed to be stored or generated on site.

Roll call: ___ 5 ___ Ayes

 ___ 0 ___ Nays

 ___ 4 ___ Absent

(Andrews)
(Sorensen)
(Neuwirth)
(Black)

Motion Carried.

PUBLIC COMMENT

None.

UPDATES:

City Clerk Spencer Lewis stated that we have published in the local Herald a notice for public hearing for the city council to hold a public hearing for the purposes of discussion and possible action regarding removal for cause of planning commission member due to allegations of inefficiency, neglect of duty, and/or malfeasance in office.

City Manager/Treasurer Vicki Corlew stated as well that in the future we should be making an ordinance amendment for medical marijuana in the commercial zoning district.

PLANNING COMMISSION COMMENTS:

Yusef Harrold stated that he is getting familiarized with the conditional use permit process, and it seems to be working out good with all the requirements and checklists that are required and reviewed.

ADJOURNMENT:

With no further business, the meeting was adjourned at **7:12 p.m.**

City Clerk, Spencer Lewis

The following are the proposed changes to the MMC Code of Ordinances to regulate caregiver operations.

CHAPTER 48 - SIGNS

48-4 Signs not requiring permits

(a) (1) – add to the end “... with the exception of a PCHO for which no sign is permitted.”

Appendix D - ZONING

Article 2 - Definitions

2.54A - PRIMARY CARE HOME OCCUPATIONS (PCHO)

Section 2.54A – Primary Care Home Occupations (PCHO)

Primary Caregiver means an individual or enterprise registered with the Michigan Department of Health and Human Services under the Michigan Medical Marihuana Act, initiated Law 1 of 2008, M.C.L.A. §§ 333.26421 et seq., to assist with a qualifying patient's use of medical marihuana through growing and provisioning. Except for a primary caregiver who produces and provides medicinal marihuana only for the primary caregiver and qualifying patients lawfully residing with the primary caregiver at the residence where the medicinal marihuana is produced, the production and providing of medicinal marihuana shall be considered a home occupation.

Sec.6.05. Residential "R-1" District.

2. Conditional Uses Permitted

Add section:

1. Primary Caregiver Home Occupations subject to the provisions of section 9.09A.

Sec. 6.06. Residential "R-2" District.

2. Conditional Uses Permitted

Add section:

1. Primary Caregiver Home Occupations subject to the provisions of section 9.09A.

Section 6.07. Residential "R-3" District.

2. Conditional Uses Permitted

Add section:

1. Primary Caregiver Home Occupations subject to the provisions of section 9.09A.

Add Section:

Section 9.09A - PRIMARY CAREGIVER HOME OCCUPATIONS (PCHO).

1. The regulations set forth in this section are designed to regulate and control, but not to exclude, the growing, consumption, distribution, and delivery of medical marihuana in a manner that protects the rights of those authorized to do so under the Michigan Medical Marihuana Act, being M.C.L.A. §§ 333.26421 et seq., as amended, by providing qualifying patients safe access to medicine, and to protect the health, safety and welfare of all residents of the city.
2. The principal use of the dwelling unit where a home care center may be located must be residential and must be in actual use as such.
3. Only 1 PCHO shall be allowed per parcel of record within the City of Mt. Morris.
4. Prior to the issuance of a permit for a PCHO, the City Building Official and/or Michigan State Electrical, Mechanical and or Plumbing Official, whichever is deemed necessary by the City Building Official, must conduct an inspection confirming that the primary residence, the electrical system, and the plumbing system used to facilitate the growth or cultivation of medical marihuana plants complies with all applicable construction codes adopted by the city.
5. PCHOs must be operated in accordance with the following requirements:
 - a. All primary caregivers shall comply with the MMMA (Michigan Medical Marihuana Act, P.A. 2008, Initiated Law 1, M.C.L.A. §§ 333.26421 et seq., including, M.C.L.A. § 333.26423(d) and meet the rules established by the Marihuana Regulatory Agency. Activity authorized under the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., shall not be subject to the requirements of this section.
 - b. A PCHO is not permitted to install any exterior or interior window signs, billboard or other advertisement for any purpose.
 - c. The use of the dwelling unit for the operation of a home care center for the growing, cultivation and storage of medical marihuana shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% or 400 square feet, whichever is greater of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purpose of the home care center.

- d. Primary caregiver home occupation activities conducted in an accessory structure shall not be included in the floor area limitation stated in the division (3) above, but shall be subject to a separate limitation of the lesser of 750 square feet or 50% of the floor area of the accessory structure in which the activity is conducted. The accessory structure shall have a roof system and be built with construction material approved by the Building Official. No fencing or fence screening materials are permitted.
 - e. There shall be no on-site person-to-person transfers of medical marijuana on the premises of a PCHO by a primary caregiver where the PCHO is located in a residential zone; however, a primary caregiver may deliver medical marijuana to the primary residence of his or her registered qualifying patients.
 - f. No offensive noise, vibration, smoke, dust, odor, heat, artificial light noticeable at or beyond the property lines are permitted.
 - g. All medical marijuana plants must be contained in an enclosed, locked facility.
 - h. No medical marijuana plants contained in an accessory structure that is located outside of a primary residence shall be located within 1,000 feet from any school, library, church, or playground area.
 - i. When a PCHO is located within 1,000 feet from the property of any school, library, church, or playground area, there shall be no outside usage of any kind of medical marijuana within the sight of children under the age of 18 years old.
 - j. The holder of the primary caregiver license shall renew their permit on an annual basis in compliance with the home occupation guidelines. This will ensure all information is accurate and up to date for each PCHO.
 - k. The location of primary caregiver home occupations shall be kept on private record with the city and shall not be accessible through requests that cite the Freedom of Information Act, pursuant to M.C.L.A. §§ 15.261 et seq.
 - l. When deemed reasonably necessary to effective enforcement of this section, the building inspector, code enforcement officer, and police personnel may conduct inspections of the property where a primary caregiver home occupation is conducted to ensure all operations are compliant with this chapter and applicable local and state laws. Inspection shall be at the time the home occupation is first established, as part of the annual renewal, and if there is reasonable cause to believe the home occupation is not in compliance with this section or other applicable laws.
6. If an application for a primary caregiver home occupation permit is denied, the applicant may appeal to the Zoning Board of Appeals.