

**CITY OF MT. MORRIS
PLANNING COMMISSION AGENDA
August 21st, 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 June 19th, 2023, regular meeting minutes.
- 5. COMMUNICATIONS:**
 - a. Conditional Use Permit for a drive-thru window for a coffee shop, public hearing September 18th, 2023.
- 6. PUBLIC COMMENT:**
- 7. UNFINISHED BUSINESS:**
 - a. None
- 8. NEW BUSINESS:**
 - a. Review of MMC Code of Ordinances to regulate caregiver operations & set public hearing date.
- 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
June 19th, 2023**

At **6:30 p.m.**, Chairperson Sara Black called the Planning Commission Meeting to order.

PRESENT: Sara Black, Andrew Sorensen, Eric Calcut, City Manager/Treasurer Vicki Corlew and Mayor Sara Dubey.

ABSENT: Yusef Harrold, Chris Vogt and Melissa Neuwirth.

OTHERS: City Clerk Spencer Lewis.

ROLL CALL:

A motion was made by Sara Black, seconded by Mayor Dubey to approve absent planning commission member Yusef Harrold.

All ayes.

Motion carried.

APPROVAL OF AGENDA:

A motion was made by City Manager/Treasurer Vicki Corlew, 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 Mayor Dubey to approve the regular meeting minutes from May 15th, 2023.

All Ayes

Motion carried.

COMMUNICATIONS:

None.

PUBLIC COMMENT:

None.

UNFINISHED BUSINESS:

- a. None.

NEW BUSINESS:

- a. **Discussion on proposed changes to MMC Code of Ordinances to regulate caregiver operations.**

City Manager/Treasurer Vicki Corlew introduced the changes to the code of ordinances. She stated that the planning commission can review the proposed changes, send it back to the attorney to clear anything up, set the public hearing date, and vote whether to send this proposed change to council.

The planning commission raised a few questions that will be discussed with the city attorney, and brought back in August for review, and will set public hearing for the September meeting.

PUBLIC COMMENT

Wayne Walter, 12338 Parklane Ave. – Wayne stated that he is for the change of the ordinance to not allow medical grows in the commercial district.

John Vance, 565 Helen St. – John stated that he is thankful for the planning commission looking at this and get the wheels in motion.

Planning Minutes
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UPDATES:

None.

PLANNING COMMISSION COMMENTS:

None.

ADJOURNMENT:

With no further business, the meeting was adjourned at **7:21 p.m.**

City Clerk, Spencer Lewis

**CITY OF MT. MORRIS
COUNTY OF GENESEE, MICHIGAN**

ORDINANCE 2023 – _____.

AN ORDINANCE AMENDING THE MT. MORRIS CITY
CODE OF ORDINANCES CHAPTER 48, SIGNS, BY THE
AMENDMENT OF SECTION 48-4 TO PROHIBIT SIGNS
FOR PRIMARY CAREGIVER HOME OCCUPATIONS
AND TO PROVIDE FOR THE PENALTY FOR THE
VIOLATION THEREOF

THE CITY OF MT. MORRIS HEREBY ORDAINS:

SECTION I

The Mt. Morris City Zoning Ordinance, Chapter 48, Section 48-4, is hereby amended as follows:

CHAPTER 48 – SIGNS

48-4 Signs not requiring permits

- (a) Signs in residential districts. On-site signs may be permitted in residential districts as follows:
 - (1) One professional sign or nameplate sign for a permitted home occupation not more than 144 square inches in area which shall be non-illuminated, with the exception of a primary caregiver home occupation (PCHO) for which no sign is permitted.

SECTION II - PENALTY

A violation of this section shall be deemed a civil infraction.

(A) If a defendant is determined to be responsible for a municipal civil infraction the judge or district court magistrate making the determination of responsibility may order the defendant to pay a civil fine not to exceed the sum of \$500, and, if applicable, in addition to the civil fine, the judge or magistrate may order the payment of damages and expenses incurred.

(B) If a defendant is ordered to pay a civil fine, the judge or magistrate shall summarily determine the city's costs of the action and tax the costs. The city's costs shall not necessarily

be limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the city has been put in connection with the municipal civil infraction, up to the entry of the judgment.

(C) In addition to the imposition of civil fines and costs as set forth in subsections (A) and (B) above, the district court judge may exercise its equitable jurisdiction as provided by statute and issue and enforce injunctive orders, order the recession or reformation of a contract and/or issue and enforce any judgment, writ or other necessary to enforce the ordinance violated, and to issue any such orders necessary to abate nuisances.

SECTION III - RATIFICATION

All other provisions of this Chapter shall be and are hereby ratified.

SECTION IV - SEVERABILITY

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

SECTION V – PRIOR ORDINANCES

All City ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

SECTION VI – PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published in a newspaper of general circulation within the City of Mt. Morris, Genesee County, Michigan, and shall become effective on the 7th day after publication.

SECTION VII – INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected at the City Hall, 11649 N. Saginaw St., Mt. Morris, Michigan, during regular business hours.

CITY OF MT. MORRIS,

By: SARA DUBEY, MAYOR

By: SPENCER LEWIS, CITY CLERK

Ordinance introduced on:

Second Reading:

Publication date:

Effective date:

**CITY OF MT. MORRIS
COUNTY OF GENESEE, MICHIGAN**

ORDINANCE 2023 - _____.

AN ORDINANCE AMENDING THE MT. MORRIS CITY ZONING CODE OF ORDINANCES (APPENDIX D) BY THE AMENDMENT OF ARTICLE 2 – DEFINITIONS, ARTICLE 6 – DISTRICT REGULATIONS, AND ARTICLE 9 – DESIGN STANDARDS TO REGULATE CAREGIVER OPERATIONS WITHIN THE TOWNSHIP AND TO PROVIDE FOR THE PENALTY FOR THE VIOLATION THEREOF

THE CITY OF MT. MORRIS HEREBY ORDAINS:

SECTION I

The Mt. Morris City Zoning Ordinance, APPENDIX D, the Zoning Ordinance, Articles 2, 6, and 9 are hereby amended as follows:

Article 2 - Definitions

2.54A - PRIMARY CARE HOME OCCUPATIONS (PCHO) is hereby added as follows:

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.

Article 6 - District Regulations

Sec.6.05. Residential "R-1" District is hereby amended with the addition of 6.05(2)(l) as follows:

2. Conditional Uses Permitted

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

Sec. 6.06. Residential "R-2" District is hereby amended with the addition of 6.06(2)(l) as follows:

2. Conditional Uses Permitted

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

Section 6.07. Residential "R-3" District. is hereby amended with the addition of 6.07(2)(l) as follows:

2. Conditional Uses Permitted

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

Article 9 – Design Standards, is hereby amended by the addition of section 9.09A as follows:

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 marihuana 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 marihuana 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 marihuana plants must be contained in an enclosed, locked facility.
- h. No medical marihuana 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 marihuana 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.

SECTION II - PENALTY

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(A) If a defendant is determined to be responsible for a municipal civil infraction the judge or district court magistrate making the determination of responsibility may order the defendant to pay a civil fine not to exceed the sum of \$500, and, if applicable, in addition to the civil fine, the judge or magistrate may order the payment of damages and expenses incurred.

(B) If a defendant is ordered to pay a civil fine, the judge or magistrate shall summarily determine the city's costs of the action and tax the costs. The city's costs shall not necessarily be limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the city has been put in connection with the municipal civil infraction, up to the entry of the judgment.

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