

Place: Jackie Dole Sherrill Community Center (Dining Room)

Time: 1:00 PM

Planning Commission

Special Called Agenda

5/16/2022

I. Business Meeting

1. Review and approval of May's Special Called meeting's agenda
2. Review and approval of the minutes of the April meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

1. Presentation of Petitions for Special Called Public Hearing

A petition has been filed by The City of Hattiesburg, as required in the Land Development Code, Ord. No. 3209, to amend the Land Development Code Section 5 - Use Regulations and Conditions, Section 10 – Signage, Section 13 - Definitions, and other sections as it relates to regulating Medical Cannabis. More specifically, new use categories and conditions for uses will be added to Table 5.1 “Table of Uses” and an addition to the signs section as related to the Medical Cannabis Industry.

III. Other Business

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
April 6th, 2022**

The Hattiesburg Planning Commission did meet in a regular session on April 6th, 2022, at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Mark Miller, Chair, presided over the meeting. Due to the ongoing COVID-19 pandemic, CDC-recommended social distancing guidelines were observed. Staff utilized GoToMeeting, an online meeting, desktop sharing, and telephone/video conferencing platform to give Commissioners, petitioners, and the public the option to participate remotely. A quorum was indicated and the attendance was as follows:

Commissioners Present: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners Absent: Ricardo Bryant

Also Present: Ginger M. Lowrey, AICP, Planning Div. Manager
Jim Gladden, Esq.
Nathan Satcher, Planner
Steve Mitchell, Building Official

AGENDA REVIEW

There came the matter of the April Agenda. A request was made by Chair Miller for a motion to approve the February 2022 Agenda. A motion to approve was made by Commissioner Conville and seconded by Commissioner Ray.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair

Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

MINUTES REVIEW

There came the matter of the March 2, 2022 minutes. A motion was made by Commissioner Conville to approve the minutes. Commissioner Ray seconded the motion.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keyseear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

REPORTS

BUILDING REPORT

Steve Mitchell, Building Official, provided the Building Permit Report for March 2022. Staff emailed copies to the Commissioners before the meeting, and physical copies were provided to Commissioners who attended in person.

PLANNING REPORT

There came the matter of the Planning Report by Mrs. Lowrey, Planning Division Manager. On March 22, 2022, City Council approved the rezone request filed by Reed Nelson, William Drinkwater, and Shelton Alston to change the zoning classification for certain properties located on S 30th Ave, S 31st Ave from RA-3 to MX-3 (HPC Approval Upheld). City Council also denied the rezone request filed by Michal Long, Floyd Gray, and Steven Parker to change the zoning classification for certain properties on Classic Drive from A-1, R-3 to R-1B (HPC Denial Upheld). Mrs. Lowrey also noted that Commissioner Kenneth Waites (Ward 1) had

resigned, effective April 1st, 2022 and a new commissioner will be filling his position for the next Planning Commission Meeting. Mrs. Lowrey also noted that Steve Mitchell, Building Official, is retiring and this will be his final Planning Commission meeting.

CHAIR'S REPORT

There came the matter of the Chair's Report by Chair Mark Miller.

INTRODUCTIONS

The Commissioners introduced themselves.

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item A (Historic Flood Variance), filed by Stephens Daniel, Applicant, and Carol Drake, Owner as required in the Flood Damage Prevention Ordinance No. 3294, as amended of the City of Hattiesburg, Mississippi, to request a variance from Article 6, Section E, which states that qualifying historic structures may apply for a flood variance from the requirement to elevate or flood-proof the structure, for 100 Hardy St (Parcel No. 2-029O-10-033.00, PPIN 19356, Forrest County, Ward 4).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Stephens Daniel	398 E Main St, St. 209	Tupelo, MS 38804

Proponents: None

Opponents: None

Stephens Daniel, the architect for the project, presented the application. Stephens discussed the historic status of the building and his initial consultation with the City of Hattiesburg and Russell Archer, the Historic Preservation Planner, for the project. He noted the extent of the building renovation, noting the exterior will maintain its existing appearance and some updated landscaping will be done to the site that has been discussed in coordination with the City Arborist, Andy Parker.

Commissioner Hinton asked the question if the variance being requested is the minimum needed to preserve the structure and if any other flood mitigation would be included in the renovations. Stephens noted that mechanical equipment in the basement and at lower grades are being brought up to higher elevations on-site to mitigate any flood risks. Chair Miller then

declared the public hearing portion of this request closed. A motion was made by Commissioner Hinton to approve the request and seconded by Commissioner Lockett. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Charles Dawe (via GoToMeeting)
 Michael Dickerson (via GoToMeeting)
 Amy Hinton, Vice-Chair
 Jeff Keysear (via GoToMeeting)
 Elayne Lockett
 Mark Miller, Chair
 Rebekah Ray
 Rhoda A. Pickett

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item B and C (Rezone and Conditional Use), filed by Joseph Tatum, owner, Silicon Ranch Corporation, Reagan Farr, Rob Riley, applicant, and Cara Wagner, representative, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a certain property located on Bonhomie Road from Section 5.4.10 Community Business District B-3 to Section 5.4.3 Residential District R-1A and to request a Conditional Use as a “Solar Farm” in R-1A (contingent on zoning change). (Parcel No. 2-041C-28-001.00, PPIN 27685, Forrest County, Ward 5).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Rob Riley	222 2 nd Ave	Nashville, TN 37201
	Gina Brown	222 2 nd Ave	Nashville, TN 37201
<u>Proponents:</u>	None		
<u>Opponents:</u>	None		

Rob Riley and Gina Brown, representatives of Silicon Ranch Corporation, presented the application. Mr. Riley noted Silicon Ranch Corporation is the owner/operator of the facility. Ms. Brown noted they have been in the City of Hattiesburg with their existing facility for five years and briefly touched on the operational components of their solar facilities. Mr. Brown discussed the details of the proposed expansion and the overall energy output once fully implemented on site. She also commented on having conversations with PCS (Presbyterian Christain School) about how Silicon Ranch could be a better partner to them. Commissioner Conville inquired on how they would access the site, noting accessing from the US Highway 49 side would be less intrusive than

entering from the existing Bonhomie Road entrance. Mr. Riley noted they do not own the utility right-of-way and potential issues with wetlands nearby as to why they would prefer to use their access road from Bonhomie Road.

Chair Miller posed the question of potential redevelopment of the site, questioning what the overall impact to the site would be with concrete pads and structure. Rob Riley noted that there is minimal concrete, as the panels are driven directly into the ground with steel piles and the only location of concrete is for inverter pads. Commissioner Dickerson asked that the applicants expand on the conversations they had with PCS. Ms. Brown noted they had talked about construction timelines and exploring educational partnerships. Commissioner Dickerson noted he had concerns with the increase in traffic in this area, particularly during school hours. Ms. Brown noted construction is slated to begin in June and last for approximately 6 months.

Chair Miller then declared the public hearing portion of the request closed. Commissioner Dickerson reiterated the relationship with PCS and they are not negatively affected by the impact of this development during the construction phase. Commissioner Hinton noted there is an option to add conditions to the conditional use request on the hours of operation. Commissioner Dawe noted his involvement with Vintage Springs, a nearby residential community on Bonhomie Road, and their initial concerns with the proximity of the solar farm and how it would affect property values. He noted he did not believe this project has had any negative impact on nearby property values and was in support of the project.

Commissioner Conville made a motion to approve the rezone request on the basis that the character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning and the motion was seconded by Commissioner Ray. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Charles Dawe (via GoToMeeting)
 Michael Dickerson (via GoToMeeting)
 Amy Hinton, Vice-Chair
 Jeff Keyseear (via GoToMeeting)
 Elayne Lockett
 Mark Miller, Chair
 Rebekah Ray
 Rhoda A. Pickett

Commissioners voting nay: None

Commissioner Hinton then made a motion to approve the conditional use with the condition that the developers observe school zone hours during the construction phase. The motion was seconded by commissioner Lockett. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Charles Dawe (via GoToMeeting)
 Michael Dickerson (via GoToMeeting)
 Amy Hinton, Vice-Chair
 Jeff Keysear (via GoToMeeting)
 Elayne Lockett
 Mark Miller, Chair
 Rebekah Ray
 Rhoda A. Pickett

Commissioners voting nay: None**PUBLIC HEARING – PLANNING COMMISSION**

There came the matter of Item D (Rezone), filed by Michael McCullum, owner, as required in the Land Development Code, Ord. No. 3209, to change the zoning classification for a certain property located on the northeast corner of Dabbs St and Hall Ave (Parcel No. 2-0290-10-303.00, PPIN 18772, Forrest County, Ward 4) from Section 5.4.3 Residential District R-1A to Section 5.4.7 Multi-Family Residential District R-3.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Michael McCullum	609 Ronie St	Hattiesburg, MS

Proponents: None

<u>Opponents:</u>	David Halliwell	(None provided)	
	Jerome Brown	609 Dabbs St	Hattiesburg, MS
	Brad Dufrene	(none provided)	

Michael McCullum, the owner, opened with that he is a nearby resident of the proposed development, living in the same neighborhood. He noted that he is proposing a luxury townhome development, similar to the Walthall Condos that had been built nearby in the same neighborhood. He noted that he wanted to work with the community to preserve the integrity of the neighborhood but add value where possible, by adding a variety of housing options in a walkable area of

Hattiesburg. He noted he had spoken with his councilman and the planning staff and was unaware until a few days prior that he would have much opposition to the project. His conversations with his councilman made it seem there may be an opportunity to make changes to the Land Development Code to allow for this type of development without rezoning to R-3. Mr. McCullum asked the item to be tabled until he could have further discussion with the City Planning Staff on changes to the Land Development Code.

Chair Miller noted this is not a usual course of action in the Planning Commission and polled the audience by a show of hands of those who were in favor and in opposition to the proposal. There were a few hands that were raised in favor of the proposal, but a majority in attendance were there in opposition. Michael McCullum again noted that he was a member of the neighborhood and wanted to work together with those in opposition to see how he could add the highest value to their properties. Ginger Lowrey, Planning Division Manager, noted that the city currently does not have any proposals to change the Land Development Code and that there were only open conversations about finding an alternative solution at this time. She noted the city is not presenting anything and didn't know what tool that would be used in the future.

Chair Miller declared the public hearing portion of the meeting open, noting that while public participation is always encouraged, further discussion may be moot at this point, given that he believed the Planning Commission would overwhelmingly support a vote to table the item given the unusual circumstance. He noted that if anyone was completely unsatisfied not having the opportunity to speak on the proposal, to please come forward. He also noted that if the item is presented again in a public hearing, they would have every opportunity to speak on the proposal when it is revisited by the Hattiesburg Planning Commission.

David Halliwell, a nearby resident, came forward to speak not directly in opposition to the proposition since it has changed, but to address the city planners. He felt that if they better understood the neighborhood, they would have better guided the young man (Michael McCullum) to understand the neighborhood's deep opposition to this type of change. He stated that he did not have a solution but offered the planning staff to meet with the neighborhood so they could explain their position. Mr. Halliwell brought up the Bay Street Rezone request, saying that the request was unacceptable and "totally brought upon by the planners" and hoping they could avoid a situation like that request. He noted he has lived in the neighborhood for over 40 years and that if they had talked with them about what they have done to preserve their neighborhood, the planning staff

would have at least told Mr. McCullum that this request “was not gonna fly” and that this request has wasted the neighborhood’s and Mr. McCullum’s time.

Chair Miller then responded on behalf of the planning staff that they and the planning commission are well aware of the deep appreciation of the neighborhood by its residents and that he has full confidence in staff to advise applicants on these types of requests in this area. He shared that staff cannot stop a citizen from presenting an application to the commission, but it is the commission's job to review these items and approve or deny these requests. Mr. Halliwell retorted that he was a member and chair of the planning commission for many years and is well aware of its roles.

Jerome Brown, a resident at 609 Dabbs Street, spoke, saying he wasn’t necessarily opposed to the project but wasn’t aware of the plans for the project. Brad DuFrene, the resident at 401 Rebecca Ave, also spoke up against the proposal, noting that he only learned of the proposal just days before the public hearing and would have appreciated being contacted about the project. He noted that this is Downtown Hattiesburg and not Manhattan, and they should be easy to get in touch with. Chair Miller noted they would have taken that into account were a decision to approve or deny this request was to be made at this hearing. Chair Miller then declared the public hearing portion of the meeting closed and Commissioner Hinter made a motion to table the item. The motion was seconded by Commissioner Pickett. A roll call vote was then conducted to lay on the table Item D.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item E (Text Amendment), filed by the City of Hattiesburg to add and amend the text of the Midtown Form Based Code, Ord. 3105, so that Section 3.17 C.3.b.v. removes: “Chevy Chase Drive”. Amended text to read: “b. Where more than one street

abuts a lot, all of the street are considered primary streets, except that the following street are designated as side street: i. 30th Avenue ii. Lorraine Street iii. 27th Avenue iv. Adeline Street”.

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	City of Hattiesburg (Ginger Lowrey)		

Proponents: None

Opponents: None

There were no comments in the public hearing portion of the meeting and so Chair Miller declared the public hearing closed and opened up the business meeting. A motion was made by commissioner Hinton to approve and seconded by Commissioner Pickett. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
Charles Dawe (via GoToMeeting)
Michael Dickerson (via GoToMeeting)
Amy Hinton, Vice-Chair
Jeff Keysear (via GoToMeeting)
Elayne Lockett
Mark Miller, Chair
Rebekah Ray
Rhoda A. Pickett

Commissioners voting nay: None

PUBLIC HEARING – PLANNING COMMISSION

There came the matter of Item F (Primary use as a Parking Lot) filed by Reed Nelson, Representative, Midtown Montevista LLC, Owner, as required in the Midtown Form-Based Code Section 4.4., to request the use of “Parking lot or garage” as a primary use for certain properties located on Lorraine Street, S. 30th Avenue, and S. 31st Avenue (Parcel 2-028N-07-069.00, PPIN 20856; Parcel 2-028N-07-070.00, PPIN 20857; Parcel 2-028N-07-063.00, PPIN 20849; Parcel 2-028N-07-068.00, PPIN 20855; Parcel 2-028N-07-064.00, PPIN 20850; Ward 3).

	<u>Name</u>	<u>Address</u>	<u>City/State</u>
<u>Presented by:</u>	Reed Nelson	(No Address Provided)	

Proponents: None

Opponents: None

Reed Nelson, representative of Jones Companies, did not provide a presentation but opened the floor for questions from the commissioners. Commissioner Conville noted that most of the office parks around Hattiesburg have more parking than they will ever use or need. He stated that he did not believe that there would be a need to develop this parking lot. Mr. Nelson stated that Jones' companies have tried to comply with the spirit of the form based code and to strike a balance between what they envisioned their property to be and their neighbors. He also pointed out that they are also seeking a parking reduction variance for the required amount of parking with the board of adjustment. Commissioner Conville also asked about the shift to working from home, and if Jones company was moving in that direction as well. Mr. Nelson noted that while Jones company had made adjustments during the pandemic, their company culture depended on being together physically. They also anticipate their company will employ 130 employees immediately and plan to grow over time and want to ensure they can accommodate their growth. Commissioner Pickett asked if these parking spaces will be restricted on the weekends, and Mr. Nelson noted that the spaces on site would not be restricted as they would be part of the public plaza they plan to develop as part of the site. A letter was submitted in opposition to the parking lot and read by staff. The letter has been included as an attachment to the minutes.

Chair Miller declared the Public Hearing closed and the Business Meeting open for discussion on the Primary Use Request (Item F). Commissioner Hinton made a motion to approve the request. The motion was seconded by Commissioner Lockett. A roll call vote was then conducted.

Commissioners voting aye: Dick Conville
 Charles Dawe (via GoToMeeting)
 Michael Dickerson (via GoToMeeting)
 Amy Hinton, Vice-Chair
 Jeff Keysear (via GoToMeeting)
 Elayne Lockett
 Mark Miller, Chair
 Rhoda A. Pickett

Commissioners voting nay: Rebekah Ray

BUSINESS MEETING

Having no further business, Commissioner Ray made a motion to adjourn. The motion was seconded by Commissioner Hinton and the public meeting was adjourned at 2:31 PM.

Mark Miller, Chair

Ginger Lowrey, Planning Division Manager

MEDICAL CANNABIS

Hattiesburg Land Development Code Amendments
Planning Commission Special Called Meeting

May 16, 2022

SB 2095

2/2/2022 – Signed in to law, effective immediately

6/22/2022 – Department of Health must have adopted regulation and will have 30 days to process applications

7/2/2022 –Department of Revenue must have adopted regulations for dispensaries.

Types of Cannabis related businesses addressed in LDC amendment

- Cultivation
- Processor
- Lab
- Dispensary
- Transporter
- Disposal

Cultivation – Indoor growing only

Processor – Processes and extracts from raw materials

Lab – Research, development, and testing

Dispensary – Retail sales

Transporter – Transports cannabis products

Disposal – Disposes of cannabis products

Summary of amendments to the LDC

- Establish appropriate zones –
 - B-3, B-4, and B-5 are “by right” locations in most cases
 - Incentivize cultivation in Industrial zones given the requirement that all cultivation occur in buildings, not outdoors. Agricultural zones to require Conditional Use approval
- Definitions of Cannabis will be consistent with the state
- Address multi-use integrations
- Apply reasonable Conditions related to time, place, and manner, including environmental concerns.

USES/BUSINESS TYPES RELATED TO MEDICAL CANNABIS

- Cultivating "*Cannabis cultivation*"
 - **Permitted with Conditions ("By right") in Industrial zones, Conditional Use in A-1 General Agricultural zones**
 - Conditional Use in Agricultural zones because cultivation is required to be inside of a building. This type of development would be more consistent with Industrial developments than traditional agricultural developments.
 - Condition
 - *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
 - *Cannabis bi-product or waste shall not be stored outside of the building.*
- Processing "*Cannabis processing*"
 - **Permitted with Conditions ("By right") in Industrial zones, Conditional Use in A-1 General Agricultural zones**
 - Conditions
 - *Agricultural zones only permitted if combined with Cultivating.*
 - *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
 - *Cannabis bi-product or waste shall not be stored outside of the building.*
- Lab "*Cannabis laboratory*"
 - **Permitted with Conditions ("By right") in Industrial zones, Conditional Use in in A-1 General Agricultural zones, Permitted with Conditions ("By right") in B-5 Regional Business zones**
 - Conditions
 - *Agricultural zones only permitted if combined with Cultivating.*
 - *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
 - *Cannabis bi-product or waste shall not be stored outside of the building.*

USES/BUSINESS TYPES RELATED TO MEDICAL CANNABIS

- Dispensary "Cannabis Dispensary"
 - **Permitted ("By right") in B-3 Community Business, B-4 Downtown Business and B-5 Regional Business zones**
 - **Condition**
 - *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
 - *Locations adjacent to residentially zoned properties require Planning Commission approval.*
- Disposal "Cannabis Disposal"
 - **Permitted with Conditions ("By right") in all Industrial zones**
 - **Conditions**
 - *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
 - *Cannabis bi-product or waste shall not be stored outside of the building.*
- Transportation
 - Cannabis related transportation will not be regulated any different than any other transportation business by the City.

Additional Information

Other Local Regulations

- Local Licensing fee will be established
- Signage – Prohibit cannabis imagery

Other Facts

- Pharmacies cannot dispense due to federal regulations
- State Incentives are prohibited

MEDICAL CANNABIS

Hattiesburg Land Development Code Amendments
Planning Commission Special Called Meeting

May 16, 2022



Department of Urban Development

MEMORANDUM

TO: TO ALL IT MAY CONCERN
FROM: GINGER M. LOWREY, AICP, PLANNING DIVISION MANAGER
DATE: April 27, 2022
SUBJECT: LAND DEVELOPMENT CODE AMENDMENT – MEDICAL CANNABIS

Planning Commissioners and all others it may concern, the Special Called May 16, 2022 Planning Commission agenda will include a proposal for various amendments to Section 5 Use Regulations, Section 10 Signs, Section 13 Definitions, and any related sections of the Land Development Code. These changes proposed by City staff are related to Medical Cannabis and related industries. This document serves as an explanation of the amendments.

Code Section	Change proposed	Reasoning
Table 5.1	Amend to show “Cannabis Cultivation” as a Permitted with Conditions use in I-1 Light Industrial, I-2 Heavy Industrial Zone districts and as a Conditional Use in A-1 General Agricultural districts.	Add new use
Table 5.1	Amend to show “Cannabis Dispensary” as a Permitted use in B-3 Community Business, B-4 Downtown Business, & B-5 Regional Business districts.	Add new use
Table 5.1	Amend to show “Cannabis Disposal” as a Permitted with Conditions use in I-1 Light Industrial, I-2 Heavy Industrial Zone districts.	Add new use
Table 5.1	Amend to show “Cannabis Laboratory” as a Permitted with Conditions use in I-1 Light Industrial, I-2 Heavy Industrial Zone districts and B-5 Regional Business districts and as a	Add new use

	Conditional Use in A-1 General Agricultural districts.	
Table 5.1	Amend to show “Cannabis Processing” as a Permitted with Conditions use in I-1 Light Industrial, I-2 Heavy Industrial Zone districts and as a Conditional Use in A-1 General Agricultural districts.	Add new use
Section 5.4.12	Add Section for Conditions related to Cannabis industry titled “Cannabis cultivation, dispensary, disposal, laboratory, processing, and transportation.” Renumber all subsequent sections accordingly	Add new conditions
Section 5.4.12.1	Add to read” Odor prevention plan to mitigate odor from leaving the building, suite and/or site required for all cannabis related businesses.”	Add new conditions
Section 5.4.12.2	Add to read “Processing and laboratory use in Agricultural zones is only permitted if integrated with cultivation.”	Add new conditions
Section 5.4.12.3	Add to read “Dispensaries adjacent to residentially zoned properties require Planning Commission approval.”	Add new conditions
Section 5.4.12.4	Add to read “Cannabis bi-product or waste shall not be stored outside of the building.”	Add new conditions
Section 10.9.12, subsection of “Prohibited Signs”	Add section to read “No outdoor advertising signs may contain depictions of cannabis plants or cannabis products. This includes an image or visual representation of a cannabis leaf, plant, or the likeness thereof that explicitly suggests or represents a cannabis leaf or plant, or an image that indicates the presence of a product, such as smoke, etc. Nor may any signage be designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.”	Add prohibition of signage containing cannabis imagery
Section 13.2 Definitions	Add text to read: “Cannabis – All Medical Cannabis related terms referenced herein are as defined by the State of Mississippi. All Cannabis related businesses must be licensed with the State and City prior to operating.”	

SUMMARY:

1) USES/BUSINESS TYPES RELATED TO MEDICAL CANNABIS

a. Cultivating “Cannabis cultivation”

i. By right/Permitted with Conditions in Industrial zones, Conditional Use in A-1 General Agricultural zones

1. Conditional Use in Agricultural zones because cultivation is required to be inside of a building. This type of development would be more consistent with Industrial developments than traditional agricultural developments.

ii. Condition

1. *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
2. *Cannabis bi-product or waste shall not be stored outside of the building.*

b. Processing “Cannabis processing”

i. By right/Permitted with Conditions in Industrial zones, Conditional Use in A-1 General Agricultural zones

ii. Conditions

1. *Agricultural zones only permitted if combined with Cultivating.*
2. *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
3. *Cannabis bi-product or waste shall not be stored outside of the building.*

c. Lab “Cannabis laboratory”

i. By right/Permitted with Conditions in Industrial zones, Conditional Use in A-1 General Agricultural zones, By right/Permitted with Conditions in B-5 Regional Business zones

ii. Conditions

1. *Agricultural zones only permitted if combined with Cultivating.*
2. *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
3. *Cannabis bi-product or waste shall not be stored outside of the building.*

d. Dispensary “Cannabis Dispensary”

i. By right/Permitted in B-3 Community Business, B-4 Downtown Business and B-5 Regional Business zones

ii. Conditions

1. *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
2. *Locations adjacent to residentially zoned properties require Planning Commission approval.*

e. Disposal “Cannabis Disposal”

i. By right/Permitted with Conditions in all Industrial zones

ii. Conditions

1. *Odor prevention plan to mitigate odor from leaving the building, suite and/or site.*
 2. *Cannabis bi-product or waste shall not be stored outside of the building.*
- f. Transportation Cannabis related transportation will not be regulated any different than any other transportation business by the City.
- 2) Signage – Prohibit cannabis imagery
- 3) Definition: “Cannabis – All Medical Cannabis related terms referenced herein are as defined by the State of Mississippi. All Cannabis related businesses must be licensed with the State and City prior to operating.
- 4) Local license to be pursued by Administration
- 5) **NOTES:**
 - a. Department of Health will have regulations in place by 6/2/2022, 120 days from adoption. Department of Revenue will have regulations in place by 7/2/2022, 150 days from adoption. We may need to adjust following the release of these.
 - b. DOH and DOR may likely required applicants to complete city permits prior to issuing licenses.

