

Ms. Friedman stated that signs of non-commercial nature are categorized differently than commercial signs but that the City may not treat commercial signs more favorably than non-commercial signs. She added that properties in single-family zoning districts can have 1 temporary sign (2 if they are on a corner lot).

Mr. Stacer asked if a monument sign would need to come up to code if the tenant changes.

Mr. Bird stated that this requirement is only for individual tenant signs, not multi-business signs.

Mr. Stacer commented that the Board voted to recommend approval of these amendments.

Mr. Bird asked if the Board wished to have an additional memo submitted for their review. He explained that they could request additional information that would be provided to them after the City Commission meeting, but that this request for information would be provided to the Commission.

Mr. Stacer suggested that the Board leave their previous recommendation as is.

#### **10. Chapter 155 Text Amendments, Medical Marijuana**

Mr. Bird stated that staff has been working very hard on this topic and that the moratorium will expire on May 8<sup>th</sup>. He explained that this text amendment will set certain standards for these uses, and that they will be categorized as either retail use, healthcare use, or as industrial use. He stated that there will be certain distance requirements implemented, limitations on hours of operation and where the use will be permitted in the City, and site design requirements. He stated that the City cannot simply say that this use in general cannot be allowed, and that there will be a learning process to see how regulations can be implemented.

Ms. Kovac asked if the healthcare use would mean that a person would need a prescription from a doctor before going to a facility to purchase.

Mr. Bird confirmed this.

Mr. Bird added that parking standards have been added and that the uses have been added to the Consolidated Use Table.

Ms. Friedman stated that for the retail and industrial uses there are separation requirements from residential zoning districts. She added that the healthcare use will be treated like a Specialty Medical Facility and so has certain distance requirements. She added that all the uses require a Special Exception approval unless located in a PCD that allows for them.

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // ME

Mr. Hill asked why the use is not prohibited in the East CRA as it is in the NW CRA.

Ms. Friedman stated that the Atlantic Overlay District already does not allow the uses and the proposed Transit Overlay District will also prohibit it.

Mr. Stacer asked for an explanation of what ‘no variances being allowed’ means.

Mr. Bird responded that it means that an applicant cannot request variances from any use specific standards.

Dr. Mills asked why the Northwest CRA does not allow the use.

Mr. Bird stated that the use is not conducive to redevelopment.

Mr. Stacer clarified that the zoning in the East CRA area already prohibits the use.

Ms. Friedman stated that there are several items in the backup that describe the impact of medical marijuana and why it would not be beneficial to these CRA areas.

Dr. Mills stated that he doesn’t understand why the people who need the medical marijuana must leave the area to get it.

Ms. Sarver stated that the legal reason is to make recommendations based on researched data. She stated that most jurisdictions are placing this use in commercial or industrial areas.

Mr. Evans stated that he would like to remove the prohibition of the uses in the NW CRA.

**MOTION** was made by Dwight Evans and seconded by Jerry Mills to recommend approval of the text amendments with the modification to remove the Northwest CRA as a prohibited location for medical marijuana establishments.

*\*Discussion*

Mr. Klosiewicz asked what impact the change will have.

Ms. Sarver responded that these changes will keep the distance requirements.

Mr. Bird stated that there will be no changes other than that these establishments would be able to open in the Northwest CRA.

Ms. Kovac asked if Mr. Evans concern is that the folks who live in the area would not be able to fill their prescription.

Mr. Evans stated that he thinks that property values might increase in areas where medical marijuana facilities are located.

Ms. Kovac asked if the concern is that residents in the Northwest CRA would not have access to have their prescriptions filled if there were not facilities in the area.

Mr. Evans responded that his concern is this and how it relates to a previous discussion in prohibiting other healthcare uses in the northwest area of the City. He added that he feels it unfair to approve alcohol facilities, but not marijuana facilities in the Northwest CRA.

Ms. Sarver responded that other jurisdictions are tending to treat this use similar to alcohol establishments, and that data has shown that these uses bring property values down.

***\*Vote***

Three voted in favor of the above motion and three against, therefore the motion failed.

Mr. Stacer asked where this proposed amendment would make a difference in the NW CRA.

Mr. Bird described the boundaries of the NW CRA, and stated that an amendment to allow the uses in this district would potentially allow for it in the industrial areas.

Ms. Friedman stated that because of the amount of sexually oriented businesses, liquor stores, and churches, and the separation requirement, it would be challenging to find an allowed area.

Mr. Bird stated that the backup provided evidence that the use would have a negative impact on the redevelopment area. He stated that it would be more difficult to implement loose restrictions and then try to tighten them compared to implementing tighter restrictions at the beginning and then loosening them.

Mr. Evans stated that if a developer is able to find a location that meets all of the criteria, he should be allowed to open his business.

Mr. Hill noted that the prohibition in the CRA is only for the retail use.

**MOTION** by Richard Klosiewicz and second by Joan Kovac to recommend approval of the text amendments. Two voted in favor and four against, therefore the motion failed.

**MOTION** by Dwight Evans and second by Jerry Mills to recommend approval of the text amendments with the modification to remove the Northwest CRA as a prohibited location for medical marijuana establishments. Four voted in favor and two against, therefore the motion passed.

**11.      Chapter 155 Text Amendments, Master Sign Program**

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