

Residential Cultivation Plant Limitations



Currently 36 plants permitted in Zoning Code Task Force Recommendation

- 12 plants total
- 150 sq. ft. growing area per dwelling or SFR lot
- Growing in enclosed, locked space
- Odor mitigation required
- City may inform landlord that grow activities occurring
- Criminal penalty under the City Code for MMJ grows over 12 plants in a residence
- Excessive growth results in significant destruction to homes, neighborhoods and property values

Zoning – Medical Marijuana Centers (Dispensaries)



Current

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

Task Force Recommendation

No change

Zoning

Medical Marijuana Optional Premises Cultivation ("Commercial" Grow Operations, more than 12 plants)



Current

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

Task Force Recommendation

Permitted use by right in:

M1 and M2

Conditionally permitted in:

PBC, C5, C6, PIP1, PIP2, FBZ

Zoning – Medical Marijuana Infused Product Manufacturer



Current

Permitted use by right in:

PBC, C5, C6, PIP1, PIP2, M1, M2, FBZ

Task Force Recommendation

Establish two definitions:

- (1) Hazardous
- (2) Non-hazardous

Zoning – Medical Marijuana Infused Product Manufacturing



Task Force Recommendation

Hazardous

Permitted use by right in M1 and M2

Non-hazardous

Permitted use by right in:

M1 and M2

Conditionally permitted in:

PBC, C5, C6, PIP1, PIP2, FBZ

Zoning – Medical Marijuana Infused Product Manufacturing



Non-Hazardous : Any MMIPM location that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition ... Examples of MMIPM – NH land use classifications may include but are not limited to the use of super/subcritical CO2 extraction processes, cooking or baking facilities.

Hazardous: Any MMIPM location that presents fire and life safety risks by utilizing oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples ...the use of Butane, Propane, Acetone, Naptha, Alcohol, etc., during the manufacturing process.

Zoning – Separation Requirements



Current

400 feet from public or private elementary, middle or high school, residential childcare facility, or drug or alcohol treatment facility

Task Force Recommendation

1,000 feet

Other Considerations (staff recommendation)

1,000 feet from residentially used or zoned properties

1,000 feet from detention facilities

Conditional Use Process



- Submittal of application with city planning
- Optional neighborhood meeting(s)
- Direct notification to property owners (500 or 1,000 feet)
- DRB public hearing and final action
- DRB can place conditions it deems necessary to mitigate impacts
- DRB action appealable to City Council

Legal Non-Conforming Uses



- Can continue to operate
- Can perform regular maintenance/repairs
- Expansion of the use within the building cannot exceed 50% of the non-conforming use
- Building cannot be enlarged or structurally altered
- If use is discontinued for more than a year, it cannot be re-instated
- If damaged, it can be repaired if the cost of the repairs is less than 50% of the replacement cost
- Uses that require conditional use shall be presumed to have the conditional use approval