

**THE CITY OF GRETNA
PLANNING AND ZONING COMMISSION
MEETING**

740 Second Street, Gretna, LA 70053

Council Chambers, 2nd floor

April 3, 2024 - 5:30 PM

AGENDA

AGENDA ITEM(S):

1. Call to Order/Roll Call

2. Conditional Use Permit (CUP) request: (Council Approval)

- (1) 1418 Dupas Street (Lot 36-A, Square 46, Oakdale Subdivision, Parcel # 010002307) Edwin Herasymiuk, Applicant

Conditional use permit approval to engage in a "by appointment only" Federal Arms Licensed Business in an existing commercial space.

In District Four, Councilman Berthelot

3. Unified Development Code Text Amendments: (Recommendation to Council)

- (2) The Planning and Zoning Commission to review proposed additions, amendments, edits, and modifications to various sections of the Unified Development Code (UDC), Chapter 58; as per attachment.

4. Adjournment:



PLANNING & CITY DEVELOPMENT

March 28, 2024

1418 Dupas Street

CONDITIONAL USE PERMIT APPLICATION

STAFF REPORT

Summary

An application for a Conditional Use Permit for firearms sales and related services was submitted to the City of Gretna from Mr. Edwin Herasymiuk, Total Silence, LLC., for the sale of firearms at commercial property he owns located at 1418 Dupas Street. This property is zoned C-1 Neighborhood Commercial.

Detailed Description

The application submitted to the City of Gretna by Mr. Herasymiuk proposes locating his firearms business in this C-1 Neighborhood Commercial Zoning District. A conditional use permit is required for firearms sales in any commercial zoning district in the City of Gretna (Unified Development Code Section 58-125 e). Please see the attached letter of intent from the applicant describing the proposed business operations.

The proposed new small-scale gun sales and repair use is allowed in a C-1 zoning district and does not entail a storefront, but rather is a one-to-one sales model. Adequate parking exists at this location. Federal Firearms Licensed businesses are also regulated by state and federal requirements - Mr. Herasymiuk has applied for this license which is contingent on the City's conditional use permit approval.

The criteria for conditional use approval in the UDC are met as follows:

Section 58-63 (i) (1-6): A conditional use is permitted only if the applicant demonstrates that:

- 1) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;
- 2) The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
- 3) Adequate public facilities shall be provided as set forth herein.
- 4) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning



PLANNING & CITY DEVELOPMENT

district or substantially diminish or impair the property values within the neighborhood.

- 5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and
- 6) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

Notice Requirements and Public Comment

Posting and mailed notification requirements for this CUP application were satisfied as of March 28, 2024. No comments were received by phone or email at the time of this report.

Recommendation

This is a low-intensity non-store front commercial use. This type of use is heavily regulated by State and Federal agencies. As such, staff understands that storage of firearms will be secure and monitored by other agencies. Staff recommends approval contingent on compliance with all state and federal licensing and regulatory protocols.

Sincerely,

Amelia Pellegrin, AICP

Director of Planning & City Development

Attachments: CUP Application, Letter of Intent



Conditional Use Permit
Application

****Fee: 500.00 (Non-refundable)**

APPLICATION DATE: 3/13/2024

PLEASE PRINT

Unified Development Code (UDC): Section 58-63 – Conditional Use Permit (CUP)

Conditional use means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the locations or operation of such use as specified in the UDC and authorized by the City Council.

UDC Submittal requirements Sec. 58-63(d) and Sec. 58-44:

Property’s address requesting the Conditional Use Permit: 1418 Dupas Gretna, LA 70053
No. Street Name

Property’s legal Description: 36-A 46 Oakdale
Lot(s) Square Name of Subdivision

Applicant’s Name: Edwin Herasymiuk - Total Silence LLC Contact Phone No. 504-881-8240

Applicant’s Address: 1418 Dupas St, Gretna, LA 70053
No. Street Name City State Zip Code

Owner’s Name: Edwin Herasymiuk - HFT, LLC Contact Phone No. 504-881-8240

Owner’s Address: 1418 Dupas St, Gretna, LA 70053
No. Street Name City State Zip Code

E-Mail Address: totalsilencellc@gmail.com (alternate: edwin@gulfxray.com)

Reason for CUP request: To gain approval from the City Council to engage in a "by appointment only" Federal Firearms

Licensed Business in an existing commercial space.

APPROVED FOR PRESENTATION

Director, Planning & City Development (Signature)

Date of Approval

Planning & Zoning Commission meeting: _____

Council District No. _____ Councilman _____

NOTES:

I AFFIRM THAT THE INFORMATION GIVEN IN THIS APPLICATION TO BE TRUE & CORRECT (APPLICANT TO SIGN & DATE BELOW)

Edwin Herasymiuk
Authorized Signature(s)

Edwin Herasymiuk

Print full name

March 13, 2024

Date

Parcel/Assessment No.: _____

Edwin Herasymiuk
Total Silence LLC
1418 Dupas St
Gretna, LA 70053

March 8, 2024

City of Gretna
740 2nd Street
Gretna, LA 70053

In re: Letter of Intent for conditional use permit Federal Firearms License (FFL) Tyle 07 business.

To Whom It May Concern:

Please allow this correspondence to confirm my application as president of Total Silence, LLC, for a conditional use permit for the operation of a Federal Firearms License (FFL) Type 07 business in the City of Gretna at the above address.

As you know, I have owned and operated Gulf X-Ray Services, Inc. at this location since 2010. Total Silence, LLC will conduct lawful private transfers of firearms to individuals, businesses, including and trusts, including private sales of firearms and National Firearms Act (NFA) items that require a Special Occupancy Tax (SOT) to be filed and paid to the Bureau of Alcohol Tobacco and Firearms (BATFE). The sale and transfer of NFA items is highly regulated under federal law, and as such, the approval of an FFL application is required by the BATFE before the SOT application and tax can be filed and paid.

Furthermore, the FFL Type 07 is described as "Manufacturer of Firearms Other than Destructive Devices", and our goal in obtaining this type of FFL is to be able to contract with manufacturers of firearms. "Manufacturing" as defined under the National Firearms Act of 1986 includes converting one type firearm to another and such conversions are within the stated intent of Total Silence, LLC. We will not, nor do we have the intent, to manufacture firearms in volume as a machine shop. If our business model changes in this regard; we would seek another location within which to operate a full-fledged manufacturing business.

The business of Total Silence, LLC will be conducted by Edwin Herasymiuk within normal business hours listed as "by appointment only."

No changes will be made to the existing building, and Total Silence, LLC's business will be conducted in the existing office and storage space. The entire building is monitored by Sonitrol security system when it is not occupied. The building has normal commercial lock and key when it is not occupied. Further measures to secure firearms and NFA items will be under lockable doors to a storage area and as required by law.

Sincerely,



Edwin Herasymiuk
President
Total Silence, LLC
504-881-8240
totalsilencellc@gmail.com

Edwin Herasymiuk
Total Silence LLC
1418 Dupas St
Gretna, LA 70053

March 8, 2024

City of Gretna
740 2nd Street
Gretna, LA 70053

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Sincerely,



Edwin Herasymiuk
President
Total Silence, LLC
504-881-8240
totalsilencellc@gmail.com

On a motion by **Council Member _____** and seconded by **Council Member _____**,
the following ordinance as amended was introduced:

ORDINANCE NO.

**An ordinance adding, amending, editing, and modifying various sections of the
Unified Development Code (UDC), Chapter 58 as per Attachment.**

All amendments per the attachment: -ADD Brewpubs Micro distilleries in Section 58-113 and in Section 58-23. -ADD definitions to Section 58-424. -ADD regulations for Brewpubs to Section 58-309; -and renumber existing Section 58-309, and Section 58-337. -AMEND Section 58-123. -ADD personal care home and residential care home to Sections 58-109, 58-113, and 58-123. -EDIT Section 58-315. -ADD definition to Section 58-424. AMEND Section 58-301(a)(4). -AMEND Section 58-301(a)(6). -AMEND Section 58-181(a) to add paragraph (7). -ADD Medical Marijuana Dispensaries to Section 58-123. - ADD New Section 58-321; and renumber subsequent sections in Article V. -AMEND Section 58-194 Exemptions to add a new paragraph (h) as follows to incorporate amendment from ordinance 4832. -AMEND Section 58-197(d)(8). -AMEND Section 58-114(a)(2). - MODIFY Exhibit 58-113 and 58-123. -INSERT New Section 58-313 Event Halls, and renumber remaining sections as applicable. (Per attachment)

WHEREAS, the City of Gretna is desirous of improving economic development and subsequent quality of life for the citizens of Gretna; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

The Unified Development Code (UDC) Chapter 58, the following Sections are hereby amended per attachment submitted:

-Add brewpubs micro-distilleries in Section 58-113 and Section 58-23. -Add definitions to Section 58-424. -Add regulations for Brewpubs to Section 58-309; and renumber existing Sections 58-309, 58-337. -Amend Section 58-123. -Add personal care home and residential care home to Sections 58-109, 58-113, and 58-123. -Edit Section 58-315. -Add definition to Section 58-424. -Amend Section 58-301(a)(4). -Amend Section 58-301(a)(6). -Amend Section 58-181(a) to add paragraph (7). -Add Medical Marijuana Dispensaries to Section 58-123. - Add New Section 58-321; and renumber subsequent sections in Article V. -Amend Section 58-194 Exemptions to add a new paragraph (h) as follows to incorporate amendment from ordinance 4832. -Amend Section 58-197(d)(8). -Amend Section 58-114(a)(2). -Modify Exhibit 58-113 and 58-123. Insert New Section 58-313 Event Halls, and renumber remaining sections as applicable. (Per attachment)

Provided that a majority of the City Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of same to the mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the mayor returns same, unsigned, to the clerk during that ten-day period.

This ordinance was submitted to a vote; and the vote thereon was as follows:

Yeas: **Council Members**

Nays:

Absent:

ADOPTED:

APPROVED:

**CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA**

**MAYOR
CITY OF GRETNA
STATE OF LOUISIANA**

Ordinance presented to the
Mayor on December 14, 2023.

Ordinance returned from the
Mayor on December 14, 2023.

**CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA**

**CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA**

Potential Amendments to Gretna UDC

1. Brewpubs and Microdistilleries

a. Add brewpubs micro-distilleries as new uses and permit as follows in sections 58-113 and 58-123:

Land Use	LBCS #	Description	BC-1	BC-2	C-1	C-2	Additional Conditions
Brewpub	2542	Eating or drinking establishment with a small brewery on premises that produces beer, ale, or other malt beverages	S	S	C	S	Sec. 58-309
Micro-distillery	2544	Eating or drinking establishment with a small distillery on premises that produces liquor	S	S	C	S	Sec. 58-309

b. Add the following definition to section 58-424

Brewpub. A brewpub is primarily an eating and drinking establishment (restaurant) with a small brewery on the premises that produces beer, ale, or other malt beverages, and where the majority of the beverage produced is consumed on the premises. This classification allows a brewpub to sell beer at retail and/or act as wholesaler for beer of its own production for off-site consumption, with applicable State licenses.

Micro-Distillery. A micro-distillery is primarily an eating and drinking establishment (restaurant with a small distillery for the production of liquor as defined by RS 26:24, where the majority of the liquor produced is consumed on the premises. This classification allows a micro-distillery to sell liquor of its own production at retail for off-site consumption with applicable State licenses.

c. Add the following regulations for Brewpubs to Section 58-309 and renumber existing sections 58-309-58-337

Sec. 58-309 Brewpubs and Micro-distilleries

- (a) Operators shall obtain required state permits prior to operating a brewpub or micro-distillery.
- (b) Operator shall comply with all applicable State and local laws or permit conditions.
- (c) A brewpub may brew beer and other malt beverages in quantities not to exceed twelve thousand five hundred (12,500) barrels per year.
- (d) A micro-distillery may distill, make, blend, rectify, or process not more than twelve thousand (12,000) gallons per year.
- (e) Not more than fifty (50) percent of the gross floor area of the brewpub or micro-distillery shall be used for production of alcoholic beverages, including, but not limited to, the brewhouse, boiling and water treatment areas, stills, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- (f) Where permitted by state and federal law, retail carryout sale of beverages produced on a brewpub premises shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers.
- (g) Brewpubs may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes and in the following amounts:
 - i. An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers;
 - ii. An unlimited number of kegs for City co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.
- (h) All mechanical equipment visible from the street (excluding alleys), an adjacent residential use, or residential zoning district shall be screened using architectural features consistent with the principal structure.
- (i) Access and loading bays shall not face any street, excluding alleys.

- (j) Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
- (k) Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.
- (l) No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

2. Funeral Homes and Crematoria

Amend Section 58-123 to distinguish between funeral homes with crematoria and funeral homes without crematoria:

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Funeral homes w/ crematoria	6710a	Includes funeral homes combined with crematoria		P	
Funeral homes no crematoria	6710b	Includes funeral homes but does not allow crematoria	P	P	

3. Personal and Residential Care Homes

a. Add personal care home and residential care home to Sections 58-109, 58-113, and 58-123 as follows:

Land Use	LBCS #	Description	R-1	R-2	R-3	BC-1	BC-2	C-1	C-2	Additional Conditions
Personal Care Home	2231	Adult residential care facility for 2-8 residents	C	C	P	P		P		Sec. 58-315
Residential Care Home	2232	Adult residential care facility for 9-16 residents	C	C	P	P		P		Sec. 58-315

b. Edit Section 58-315 as follows:

Sec. 58-315 Institutional Care Facilities

- (a) Applicability. Institutional care facilities include:
- (1) Hospitals, clinics and other medical treatment facilities in excess of 10,000 square feet;
 - (2) Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions and child care institutions;
 - (3) Continuing Care Retirement Communities that provide assisted or graduated care for seniors;
 - (4) Institutions for the confinement of the mentally ill;
 - (5) Personal care homes;
 - (6) Residential care homes; and
 - (6) Single-family and multi-family dwellings used for group homes caring for six (6) or more individuals, any home providing services drug or alcohol treatment or recovery, and halfway houses.
- (b) Generally. The following standards apply to all institutional care facilities:
- (1) Dwellings may be allowed in accordance with the minimum lot area standards of the applicable zoning district.

- (2) Residential building setbacks may be reduced between individual buildings on the interior portion of the facility subject to compliance with applicable Fire Code standards.
- (3) Setbacks on the perimeter of the development shall be the same as that for the zoning district in which the facility is located or the abutting district, whichever is greater.
- (4) The issuance of a conditional use permit for an institutional care facility shall be conditioned upon the applicant obtaining all required state licenses prior to operating the facility and maintaining said licenses while operating the facility.
- (5) To prevent a concentration of institutional care facilities in residential neighborhoods, no such facility shall be located within one thousand (1,000) feet of another such facility, measured along a straight line from property line to property line.

(c) Personal Care Homes

- (1) At least two (2) on-site parking spaces shall be provided.
- (2) Minimum lot area for a personal care home is 5,500 square feet.
- (3) Personal care homes in R-1 and R-2 districts shall be limited to residents aged 60 or older unless otherwise approved by through the conditional use permit process.
- (4) All state requirements shall be met for Level 1 adult residential care homes.

(d) Residential Care Homes

- (1) At least three (3) on-site parking spaces shall be provided.
- (2) Minimum lot area for a personal care home is 6,000 square feet.
- (3) Personal care homes in R-1 and R-2 districts shall be limited to residents aged 60 or older unless otherwise approved by through the conditional use permit process.
- (4) All state requirements shall be met for Level 2 adult residential care homes.

(e) Continuing Care Retirement Communities. The following standards shall apply to continuing care retirement communities:

- (1) Existing continuing care retirement communities that are not authorized by zoning classification shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section. All new or expanded structures for principal or accessory uses shall be located on the existing site. Any expansion to adjacent or contiguous sites outside of the existing property boundaries will require approval through the Planned Development (PD) zoning process.
- (2) PD zoning is required and all facilities shall be approved through the PD approval process.
- (3) In addition to the PD approval criteria, the City Council shall find that the proposed development will:
 - a. Create a more desirable environment than would otherwise be possible under existing zoning and provide a compatible mix of housing types;
 - b. Enhance the appearance of neighborhood through the preservation of natural features, the provision of underground utilities and the retention of at least twenty (20) percent of the site for open-space/green areas.
 - c. Be compatible with and will contribute to the stability and vitality of surrounding residential areas and businesses.
 - d. Not create an undue fiscal burden on existing taxpayers for the provision and maintenance of public facilities and services.
- (4) Conveniently located indoor common areas for recreation, social, and dining shall be provided for the residents.

c. Add the following definition to section 58-424

Personal Care Home. A level 1 adult residential care facility that provides room and board and personal services to two (2) but not more than eight (8) residents in a

group living and dining setting and is located in a single-family dwelling that is designed as any other private dwelling in the neighborhood.

Residential Care Home. A level 2 adult residential care facility that provides room and board and personal services for nine (9) or more residents, but not more than sixteen (16) residents in a group living and dining setting.

4. **Accessory Buildings in Residential Districts**

Amend Section 58-301(a)(4) as follows:

(4) **Accessory Building Height.**

- a. The mean height, as measured along the slope of the roof of accessory buildings or accessory structures permitted in a required rear or side setback area, may not exceed fifteen (15) feet in height.
- b. The Planning Director may grant up to a ten (10) percent increase upon finding that the additional height enables the building design and roof-pitch to be more consistent with the principal structure.
- c. The Planning Director may approve accessory structure heights of up to twenty-two (22) feet if the accessory structure meets the minimum setback requirements for the principal structure and is not taller than the principal structure on the lot it is located or on adjacent lots.
- d. Mean height shall not include the height of the parapet if the Planning Director finds that the parapet is consistent with and complementary to the front of the principal structure.

5. **Accessory Structures for Non-Residential Uses**

Amend Section 58-301(a)(6) as follows:

(6) **Non-residential Districts.**

- a. In BC, C and M districts, all structures shall be considered principal structures unless the Planning Director finds that the structure and its use are accessory to a principal use being conducted in another building on the site.
- b. Accessory structures shall comply with the minimum setback requirements for principal non-residential structures in the applicable zoning district, except where a property in a C or M district backs up to a B-C, C or M district, an accessory structure that is no more than fifteen (15) feet in height shall be set back from the rear property a minimum of five (5) feet.
- c. In BC and C districts, accessory structures other than gas station pumps in C-2 districts, shall be located in an interior side or rear yard.
- d. Portable storage units shall comply with the provisions of section 10-10(c) of the City Code.
- e. Not more than two (2) accessory structures may be allowed per lot in a BC or C district.

6. **Prohibiting Parking on Vacant Residential Lots**

Amend Section 58-181(a) to add paragraph (7) as follows:

- (7) Parking or storage of vehicles, watercraft, trailers, or equipment shall be prohibited on any vacant lot located in an R-1 or R-2 district.

7. **Medical Marijuana Dispensaries**

- a. **Add medical marijuana dispensary to Section 58-123** as follows:

Land Use	LBCS #	Description	C-1	C-2	Additional Conditions
Medical Marijuana Dispensary	2161	Facility for the distribution or medical marijuana and related products but not for production of marijuana or related products		S	Sec. 58-309

- b. **Add a new section 58-321 as follows and renumber subsequent sections in Article V:**

Sec. 58-321 Medical Marijuana Dispensary

- (a) Medical marijuana dispensing facilities shall comply with all State laws and rules for such facilities and shall provide documentation of applicable licenses and approval to the City prior to applying for a business license.

- (b) Upon issuance of a business license, the Planning Director may issue a certificate of use for a medical marijuana dispensary subject to compliance with the requirements of this section. The certificate of use shall be valid for one (1) year and may be renewed each year subject to compliance with the requirements of this section and annual review.
 - (c) No medical marijuana dispensing facility shall be located within 1,000 feet of any child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, or religious facility. By state law a 15-mile separation is required between facilities.
 - (d) The distance from a child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, religious facility, or residential property shall be measured by following a straight line from the nearest point of the respective structure to the front door of the proposed dispensing facility.
 - (e) Dispensing of, payment for, and receipt of marijuana or marijuana products is prohibited anywhere outside of the dispensing facility, including, but not limited to, on sidewalks, in parking areas, or in the rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit delivery of marijuana or marijuana products to an eligible patient, as permitted by State law or rule.
 - (f) Consumption of marijuana or marijuana products is prohibited onsite at the dispensing facility, including, but not limited to, in the parking areas, sidewalks, or rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit consumption associated with a dispensing facility employee, trained by a medical professional such as a doctor, nurse, pharmacist, or medical or physician's assistant, instructing an eligible patient on the mechanism of consumption of medical marijuana or related products, as permitted by state law or rule.
 - (g) Irrespective of any statutory amendment, facilities dispensing medical marijuana or medical marijuana products shall only be allowed to operate between the hours of 7:00 a.m. and 9:00 p.m. daily.
 - (h) The medical marijuana dispensary must be established on the premises by a state-approved dispensing organization within 180 days of the date the certificate of use is issued; after 180 days, unless the time period is extended by the Director for good cause shown, the certificate of use shall be null and void and the applicant must re-apply.
8. (i) Where, pursuant to State law or rule, a civil violation relating to the dispensing medical marijuana or marijuana products has been issued, or the City has determined that a nuisance exists at the dispensing facility, the certificate of use shall be revoked immediately, and a new application may not be made within a period of twelve (12) months.

Political Signs

Amend Section 58-194 Exemptions to add a new paragraph (h) as follows to incorporate amendment from ordinance 4832:

- (h) Political signs for candidate or proposition shall be allowed temporarily without a permit 60 days prior to a Special Primary Election, Special General Election, Municipal Primary Election, Municipal General Election, Open Primary Election or Congressional Election and shall be promptly removed by the property owner within fifteen (15) days following said election of a candidate or passage/defeat of a proposal.

9. Billboards

Amend Section 58-197(d)(8) as follows regarding establishment of digital billboards:

- (8) New billboards shall only be authorized when replacing one or more existing billboards. Establishment of a new billboard or the modification or replacement of an existing billboard that includes an electronic message sign shall be authorized when replacing two or more existing billboards, one of which may be an existing billboard that is modified, provided that the establishment of an electronic message sign on a billboard results in the net reduction of at least one (1) billboard in the City. No new billboard shall be established unless it is located on a site of at least one (1) acre, all required setbacks are met on the site and the billboard is located at least 1,200 feet from the nearest billboard. The reduction and replacement requirements shall not apply to portions of the City annexed in 2014.

10. Conversion of Doubles in BC-1

Amend Section 58-114(a)(2) follows:

- (2) Conversion of an existing two-family dwelling or double shall be limited to conversion to a single family residential dwelling, a single residential dwelling unit and a single business, or a single business; they shall not be converted to two businesses. All uses shall provide the minimum number of parking spaces in accordance with Article IV, Division 2 of this UDC.

11. Event Halls

A. Modify Exhibit 58-113 and 58-123 as follows to distinguish caterers and event halls:

Land Use	LBCS #	Description	BC-1	BC-2	C-1	C-2	Additional Conditions
Catering	2560	Provide single event-based food services. They transport food via equipment and vehicles to events Banquet halls or events halls are excluded from this subcategory.	C	S	C	P	
Event Halls	5661	Facility located on private property that primarily functions to social gatherings. Events halls consist of one or more meeting or multipurpose rooms, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances. Events halls may include kitchen facilities.		C		C	Sec 58-313

Insert a new Section 58-313 as follows and renumber remaining sections as applicable:

Sec. 58-313 Event Halls

Events Halls may be authorized by conditional use permit subject to the following conditions, which may be modified through the conditional use permit process:

- (a) **Application:** The applicant for a conditional use permit for an events center shall provide the following information:
- (1) A description of the specific types of events proposed to be conducted in the facility,
 - (2) Services provided for the events, including but not limited to food, beverage, audio visual and staffing;
 - (3) Frequency of events;
 - (4) Maximum size of events;
 - (5) Proposed hours of operation;
 - (6) Means of complying with Chapter 24, Article V Noise provisions of the City Code;
 - (7) Building plans showing compliance with adopted building and safety codes;
 - (8) If food service is provided, kitchen plans demonstrating compliance with applicable health codes;
 - (9) If alcoholic beverages are to be available at any event, documentation of compliance with applicable local and State laws;

- (10) Site plan documenting locations and dimensions of available space for events, signage, outdoor lighting, parking lot design complying with the provisions of this section, any vehicle operational areas for patrons or service providers, and loading zones;
 - (11) Planting plan showing proposed landscaping and buffering; and
 - (12) Stormwater management plan.
- (b) **Parking:** On-site parking (on the same site, lot, or parcel as the event hall) shall be provided in accordance with Article IV, Division 2 of this UDC at a rate of 1 parking space per 4 people of maximum capacity of the entire facility.
 - (c) **Access:** The facility shall have direct access to a collector or arterial level street with sufficient capacity to accommodate maximum occupancy of the event hall.
 - (d) **Uses:** No event hall shall host any event that would be subject to adult use regulations under Chapter 12, Article III of the City Code.
 - (e) **Food Service:** Preparation and serving of food shall comply with all local and State requirements.
 - (f) **Alcoholic Beverages:** Compliance with all local and State laws and rules is required If alcoholic beverages are sold, provided, or served for participants in and events.
 - (g) **Revocation of Conditional Use Permit:** Failure to comply with any of the conditions of this section or the applicable conditional use permit may result in revocation of the permit pursuant to Section 58-63 of this UDC.
 - (h) **Location:** No event hall shall be located within 300 feet of a residential use or district.
 - (i) **Outdoor Events:** No outdoor music or amplification shall be allowed unless approved pursuant to a special event permit.
 - (j) **Event Attendance:** Events open to the general public in exchange for admission or other compensation shall only be authorized subject to issuance of a special event permit.