



**CITY OF EUREKA**  
DEVELOPMENT SERVICES DEPARTMENT  
Rob Holmlund, AICP, Director

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Ph (707) 441-4160 • Fx (707) 441-4202  
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**NOTICE OF PUBLIC HEARING**  
**DIRECTOR OF DEVELOPMENT SERVICES**

**NOTICE IS HEREBY GIVEN** that the Director of Development Services will decide whether to approve, conditionally approve, or disapprove the minor use permit application below on **January 24, 2018**. The Director's decision will occur after considering all written comments received during the public comment period. The Public Comment period begins at 8:00am on December 22<sup>nd</sup> and ends at 1:30pm on Tuesday, January 24, 2018. A public hearing will be held at 2:00pm on Tuesday, January 24, 2018 in Room 207 of Eureka City Hall (531 K Street).

**Project Title:** *Native Humboldt Farms Minor Use Permit*

**Project Applicant:** Lindsey Renner    **Case No:** MUP-17-0005

**Project Location:** 514 W.14th Street; APN 004-032-011

**Zoning:** CS (Service Commercial)

**Project Summary:** The proposed use is "non-volatile manufacture of cannabis," which requires a minor use permit. Eureka Zoning Code Section 155.078 lists Cannabis manufacturing facilities, non-volatile, 5,000 square feet or less of floor area, subject to the provisions of Chapter 158 in the CS Zone. For more information, see this website: [http://www.ci.eureka.ca.gov/depts/development\\_services/public\\_hearing\\_notices.asp](http://www.ci.eureka.ca.gov/depts/development_services/public_hearing_notices.asp) or contact Swan Asbury (Development Services Department) at 707-268-1830.

**How to Comment:** All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing. Written comments on the project may be submitted at the hearing, or prior to the hearing by mailing or delivering them to Swan Asbury (Development Services Department), 531 K Street, Eureka, CA 95501. Comments must be received by the closing date and time of the public comment period identified above. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Community Development Division of the Development Services Department, Third Floor, City Hall.

If you have questions regarding the project or this notice, please contact Swan Asbury, Assistant Planner, phone: (707) 268-1830; fax: (707) 441-4202; e-mail: [sasbury@ci.eureka.ca.gov](mailto:sasbury@ci.eureka.ca.gov)



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**DIRECTOR OF DEVELOPMENT SERVICES**

**STAFF REPORT**

*January 24, 2017*

**Project Title:** *Native Humboldt Farms Cannabis Manufacturing Minor Use Permit*

**Project Applicant:** Lindsey Renner

**Case No.:** MUP-17-0005

**Project Location:** 514 W. 14th Street

**APN:** 004-032-011

**Zoning and General Plan Designations:** CS (Service Commercial) and GSC (General Service Commercial)

**Proposed Use:** Cannabis manufacturing, non-volatile, 5,000 square feet or less

**Staff Contact Person:** Swan Asbury, Assistant Planner; City of Eureka, Community Development Department; 531 "K" Street, Eureka, CA 95501; (707) 441-4160, Email: [sasbury@ci.eureka.ca.gov](mailto:sasbury@ci.eureka.ca.gov)

**Staff Recommendation:**

1. Hold a Public Hearing; and
2. Adopt Director Resolution 2017-11 approving a minor use permit allowing a Cannabis Manufacturing Facility of 5,000 sq. ft. or less of manufacturing area at 004-032-011.

**Site Description and Project Description:** The proposed use is a *cannabis manufacturing facility, non-volatile, 5,000 sq. ft. or less* at APN 004-032-011. The subject property consists of one legal parcel with one existing structure (3,175 sq. ft.) located in the CS Zoning District in a neighborhood that generally provides: restaurants, automotive service businesses, grocery, pharmacy, retail, distribution, and light manufacturing. The site has been vacant for many years, but previously it was a restaurant.

The site consists of a corner lot, with one parcel adjoining to the north, Broadway to the west, 14<sup>th</sup> Street to the south, and Albee Street to the east. Sidewalks exist on the west, south, and east sides of the property. The existing building sits at the far west edge of the subject property and fronts on Broadway and 14<sup>th</sup> Street. The existing parking lot is accessed from W. 14<sup>th</sup> Street. All parcels within 600 feet of the subject site are zoned either Service Commercial (CS) or Limited Manufacturing (ML). The immediately adjacent parcel to the north is home to a small quick-service restaurant, Hole in the Wall Sandwiches. To the east of the subject property (across Albee Street) is a distribution facility for Coca-Cola. To the south of the site (across 14<sup>th</sup> Street) is a gas station. To the west of the site (across Broadway) is an automotive dealer.

The existing parking lot provides parking spaces in excess of what is required for the proposed use. Restaurant uses require one space for every 200 sq. ft. gross floor area. Manufacturing uses require is

less than half that at one space for each 500 sq. ft. gross floor area. The site has adequate water, sewer, gas and electric utilities to meet the needs of the proposed manufacturing use.

The property owner and applicant are seeking a Minor Use Permit for cannabis “manufacturing, non-volatile, less than 5,000 sq. ft.,” which is listed as a *conditional use* in the subject zoning district. If this MUP is granted, the use of “non-volatile” cannabis manufacturing would apply to the entire parcel. For information purposes only, a separate applicant will conduct a cannabis “distribution” business in a portion the building that is separate from the manufacturing area. Distribution is a principal permitted use in the CS zone.

Manufacturing facilities produce cannabis-related products that are sold wholesale to other businesses. The non-volatile manufacturing process **may not** use volatile solvents (e.g. butane, propane). One form of non-volatile manufacturing is the conversion of raw cannabis plant matter into oils or concentrates via mechanical processes such as: presses that crush cannabis plant matter, centrifuges and other similar machinery that spin raw cannabis plant matter, grinders that pulverize raw cannabis plant matter, and other similar mechanical processes. Non-volatile manufacturing can also include some chemical processes (such as ethanol) to create plant extracts. Such chemical processes may not include butane, propane, and other similar volatile solvents. Non-volatile manufacturing may also include the production of edible and topical products utilizing concentrated cannabis oils obtained from other facilities. For example, a non-volatile manufacturing facility could purchase cannabis concentrates from other manufacturing facilities and then use those concentrates to create cannabis-infused hand lotion. Whatever the processes used and whatever the products produced, non-volatile manufacturing businesses may not conduct retail sales on site. All products leaving the building must be shipped in bulk as wholesale to other locations. The non-volatile cannabis manufacturing use is similar to other uses including breweries, distilleries, niche-food manufacturers, and other businesses that take raw products and create a new value-added products.

Note that applications for non-volatile cannabis manufacturing licenses are reviewed and approved/denied by the Humboldt Bay Fire Department and the City of Eureka Building Department in relation to Fire and Building Codes. Likewise, the Eureka Police Department has review and approval authority for Safety and Security Standards. All of these approvals occur outside of the Conditional Use Permit process. The applicant’s plans for this site are currently in review by the Fire Department, Police Department, and Building Department.

**Environmental:** The minor use permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 1 exemption (Section 15301) from CEQA which exempts the conversion and minor alteration of existing structures. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

**Required Findings:** §155.285 of the Eureka Municipal Code requires that the following findings be made prior to approval of a minor use permit:

1. Consistent with:
  - a. Overall objectives of the Zoning Code (EMC §155.002)
  - b. Purposes of the CS District (EMC §155.075)
  - c. Special Purposes of the CS District (EMC §155.076)
2. No detrimental effect to public health, safety, welfare, or to properties in the vicinity (EMC §155.285)
3. Development Standards of the Zone (EMC §155.285)
4. Local Coastal Program (EMC §155.285)

**Project Analysis:**

**1. Overall objectives of the Zoning Code (EMC §155.002):** (Findings in bold)

Objective 1	To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the general plan adopted by the Council;
	<p><b>The proposed use implements the adopted land use map and is consistent with the goals and policies of the General Plan. The proposed use is also consistent with the City’s Zoning regulations. Per EMC § 155.076, the purposes of the CS Zone District include “...to permit additional development in mixed commercial areas containing both retail stores and commercial services...” and “...to allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.”</b> The proposed site is in a mixed commercial area that contains retail, commercial services, and light manufacturing. The proposed use is light manufacturing in nature and, as outlined below, will not have an adverse impact on commercial services. The proposed use will be contained within an existing structure and does not involve new development. While the nature of the proposed use is different from the previous use of the site, manufacturing is consistent with other businesses in the immediate area. In fact, the proposed use is likely to be far less noisy, visible, and conspicuous than the neighboring restaurant and gas station and is likely to generate far less traffic than either of these neighboring uses. Through the application of the suggested conditions and through the enforcement of other existing City regulations, the use will not be permitted to allow cannabis odors to be detectable outside of the facility and will not be able to allow cannabis plants to be seen from outside the facility. Accordingly, the neighboring properties will likely never be able to tell that the proposed use is occurring on the parcel.</p>
Objective 2	To foster a harmonious, convenient, workable relationship among land uses;
	<p><b>The proposed cannabis manufacturing facility will be located in an existing structure on W. 14<sup>th</sup> Street. The proposed use is similar in nature to other light manufacturing and service commercial uses found in the surrounding neighborhood (and throughout the zone district) and would generate less traffic than the previous use at the site (restaurant). Near the site are many</b></p>

	<p><b>options for restaurants and retail providing a convenient place for employees of the subject property to shop. Adjacent to the property is a restaurant that can provide a lunch destination to employees of the subject property within walking distance. Through the application of the suggested conditions and through the enforcement of other existing City regulations, the use will be quiet, will not generate excessive odors, and will not provide a disturbance to the neighboring sites. Staff believes that the relationship between the proposed use and the neighboring uses will be harmonious, convenient, and workable.</b></p>
Objective 3	<p>To promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions;</p>
	<p><b>The proposed use is considered appropriate for the area as it is listed as a use in this zoning district. The proposed use conforms to the General Plan and is typical of the uses that occur in the CS zone district. The new use will not produce retail traffic and is likely to be less noisy than the previous use (restaurant). Through the application of the suggested conditions and through the enforcement of other existing City regulations, the use will not be permitted to allow cannabis odors to be detectable outside of the facility and will not be able to allow cannabis plants to be seen from outside the facility. Accordingly, the neighboring properties will likely never be able to tell that the proposed use is occurring on the parcel. By filling a building that has been chronically vacant, the proposed use is expected to increase the stability of the neighboring uses.</b></p>
Objective 4	<p>To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole;</p>
	<p><b>The development of a cannabis facility in the existing commercial structure will be a benefit to the City as a whole. The previous use of the site was a restaurant, but the site has been vacant for years and the existing building has been subject to repeated vandalism and graffiti. From the perspective of benefitting the City as a whole, filling this chronically vacant space is a positive action that will eliminate the blight caused by empty structures. The proposed use is consistent with purposes of the CS district and will generate skilled jobs.</b></p>
Objective 5	<p>To prevent excessive population densities and overcrowding of the land with structures;</p>
	<p><b>The project does not include new construction nor does the project include a residential component. The manufacturing process will be located in an existing commercial structure. Accordingly, the granting of this minor use permit would not result in increased population densities, and would not cause an overcrowding of land with structures.</b></p>
Objective 6	<p>To promote a safe, effective traffic circulation system;</p>
	<p><b>The manufacturing facility is proposed in an existing structure that previously housed a restaurant prior to that. The off-street parking</b></p>

	<b>requirement for restaurants is one space for every 200 square feet of floor area. The proposed cannabis facility requires one off-street parking space for every 500 square feet of floor area. Since the off-street parking requirement for the proposed use is less than the previous requirement for the restaurant, the proposed use is more conforming to the zoning code, and therefore the project is not required to provide any new parking spaces. There is no retail traffic expected and parking demand will be lower than for the previous uses of the site.</b>
Objective 7	To foster the provision of adequate off-street parking and off-street truck loading facilities;
	<b>See discussion above regarding parking. The site has a suitable amount of off-street space for truck loading. The existing parking lot is accessed via W. 14th Street via a curb-cut driveway. Delivery trucks that served the restaurant used service doors that will be employed for this business.</b>
Objective 8	To facilitate the appropriate location of community facilities and institutions;
	<b>Not Applicable.</b>
Objective 9	To promote commercial and industrial activities in order to strengthen the city's tax base;
	<b>Manufacturing and wholesaling of products does not directly generate sales tax. However, the proposed use should increase the number of manufacturing jobs in the City, which would add to the City's base economy. Skilled employees will have more disposable income to spend on taxable goods in Eureka.</b>
Objective 10	To protect and enhance real property values;
	<b>The proposed manufacturing facility will be in an existing commercial structure and will be similar in nature to other nearby businesses. Property values should be enhanced by the addition of a functioning business to a chronically vacant space. It is unlikely that the project would have an adverse impact on property values on adjoining properties.</b>
Objective 11	To safeguard and enhance the appearance of the City.
	<b>The vacant building has been a chronic target for graffiti and vandalism. The addition of a functioning business to a chronically vacant space will safeguard and enhance the appearance of the City. The Eureka Municipal Code currently does not allow signs to be installed for any cannabis-related businesses.</b>

**2. Purposes of the CS District (EMC §155.075): (Findings in bold)**

Purpose 1	To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the City and its surrounding market area;
	<b>The proposed use is wholesale cannabis manufacturing in a zone district that allows for this use. The proposed use is cannabis manufacturing.</b>

	<b>Other cannabis-related businesses are also located in the same zone district and in the same neighborhood.</b>
Purpose 2	To provide opportunities for retail stores, offices, services establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
	<b>If approved, the proposed use would transform a vacant site into a viable job-generating business location. A concentration of occupied business facilities helps reduce blight, minimizes vandalism and can reduce crime. Other cannabis-related businesses are also located in the same zone district and in the same neighborhood.</b>
Purpose 3	To provide space for community facilities and institutions that appropriately may be located in commercial areas;
	<b>The proposed location is a commercial area and has never been occupied as a public community facilities or community institutions. Since the space has been vacant for several years, any such facility that wanted to utilize the space has had ample opportunity to purchase or lease the space.</b>
Purpose 4	To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
	<b>The proposed use will have a lower parking requirement than the number of onsite parking spaces required for the former uses of the site and will therefore be more conforming. Truck delivery will make use of the same existing loading facilities that the former uses utilized.</b>
Purpose 5	To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
	<b>No expansion in the size of the building is proposed.</b>
Purpose 6	To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses; and,
	<b>The project is a non-volatile cannabis manufacturing facility, which, unlike the previous use (restaurant), is not expected to generate any noise. The application of the conditions suggested below and the enforcement of other City regulations would not permit odors to be detectable beyond the boundaries of the site. The proposed use is not expected to generate any detectable dust, dirt, smoke, vibration, heat, or glare. The use is not expected to generate any truck traffic in excess of the traffic generated by the neighboring uses or in excess of the previous use of restaurant, which required regular deliveries of food products.</b>
Purpose 7	To protect commercial properties from fire, explosion, noxious fumes, and other hazards.
	<b>The proposed use is non-volatile in nature and should not generate an unusual risk of fire, explosion, noxious fumes, or other hazards.</b>

**3. Special Purposes of the CS District (EMC §155.076):** (Findings in bold)

Purpose 1	To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;
	<b>The proposed use is not appropriate for other commercial districts (such as Henderson Center or Old Town), but the subject site is in an area of light industrial uses and is therefore more appropriate for the proposed use. The immediately surrounding businesses are a restaurant, gas station, automotive service businesses, grocery, pharmacy, retail, distribution and light manufacturing and the proposed light industrial use functions in much the same way.</b>
Purpose 2	To permit additional development in mixed commercial areas containing both retail stores and commercial services; and,
	<b>The proposed use non-volatile manufacturing of products that will be wholesaled from the site provides a compatible mix with existing commercial uses within the immediate area.</b>
Purpose 3	To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.
	<b>The non-volatile manufacturing is a light industrial use that is not incompatible with surrounding commercial uses. The proposed use will not produce excessive noise, light or noxious odors and all work will be conducted within an existing structure.</b>

**4. No detrimental effect to public health, safety, welfare, or to properties in the vicinity (EMC §155.285):**

Based on the discussion above under #1, #2, and #3, the facility will operate without creating a detrimental effect to public health, safety, and welfare or to the properties in the vicinity. Through the application of the suggested conditions and through the enforcement of other existing City regulations, the use will not be permitted to allow cannabis odors to be detectable outside of the facility and will not be able to allow cannabis plants to be seen from outside the facility. Accordingly, the neighboring properties will likely never be able to tell that the proposed use is occurring on the parcel.

**5. Development Standards of the Zoning Code (EMC §155.285)**

The development standards of the Eureka Municipal Code regulate such things as land use, building height, size, location, off-street parking, etc. The project has been reviewed by staff and found to conform to all required development standards as contained in the Eureka Municipal Code. As the project is a conditionally permitted use and is to be located in an existing structure, all development standards are met.

**6. Local Coastal Program (EMC §155.285)**

This property is not located within the Coastal Zone.

**Agency and Departmental Comments:** Referrals were sent to several agencies and City departments with interest or jurisdiction over the property or the intended use of the property. The following Agencies/Departments commented:

1. No comments were received prior to completion of this staff report with recommended conditions. If comments are received prior to the deadline for submitting them, any recommended conditions will be reviewed at the public hearing. Otherwise, the presumption is that the proposed manufacturing of cannabis will not be detrimental to the public health, safety and welfare.

**Support Material:**

Attachment 1	Director of Development Services Resolution .....	page 9
Attachment 2	Location Map.....	page 12

## **DIRECTOR OF DEVELOPMENT SERVICES RESOLUTION NO. 2017-11**

A RESOLUTION OF THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF EUREKA APPROVING THE MINOR USE PERMIT (MUP-17-0005) TO ALLOW A CANNABIS MANUFACTURING FACILITY AT 514 WEST 14TH Street; APN 004-032-011.

**WHEREAS**, the applicant is planning to operate a non-volatile Cannabis manufacturing facility; and

**WHEREAS**, the property at 514 W. 14th Street is zoned Service Commercial (CS); and

**WHEREAS**, non-volatile cannabis manufacturing uses with 5,000 sf or less of manufacturing area are conditionally permitted in the CS district and require a Minor Use Permit; and

**WHEREAS**, the Eureka Municipal Code §155.285 prescribes the findings required to be made by the Director of Development Services prior to granting a minor use permit.

**NOW THEREFORE, BE IT RESOLVED** by the Director of Development Services of the City of Eureka that the project, as conditioned below and described in the Staff Report, is approved.

**BE IT FURTHER RESOLVED** by the Director of Development Services of the City of Eureka that the decision to approve with conditions the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application. The findings of fact listed below “bridge the analytical gap” between the raw evidence in the record and the Director’s decision:

1. The Minor Use Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 1 exemption from CEQA which exempts the conversion and minor alteration of existing structures.
2. The proposed non-volatile cannabis manufacturing use with 5,000 sf or less of manufacturing area and its proposed location are in accord with the objectives of Chapter 155 (Zoning) of the Eureka Municipal Code and the purposes of the district in which the site is located as documented in the staff report.
3. The project location and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity as documented in the staff report.
4. The project is not located within the Coastal Zone.

**FURTHER**, approval of the Minor Use Permit is conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. All non-volatile manufacturing businesses operating at the subject property shall install odor control measures that shall be reviewed and approved by the City Building Department prior to operations. The odor control measures implemented shall be effective at controlling cannabis odors such that no cannabis odors shall be detectable outside the exterior walls of the facility.
2. Cannabis plant materials shall not be visible from the exterior of the property. This includes cannabis plant materials that are present onsite, in any buildings at the site, or in any vehicles at the site. The only exception to this condition is during brief periods of loading and unloading.
3. All non-volatile manufacturing businesses operating at the subject property shall conduct loading and unloading of cannabis materials within the parking lot at the back of the building in such a way that loading and unloading will not disrupt traffic on Broadway, 14<sup>th</sup> Street, or Albee Street.
4. The exterior of the building, parking lot, fencing, on-site landscaping, and all other visible components of the property shall be maintained at a high level of quality worthy of a building on the corner of one of the busiest intersections in the City.
5. Onsite landscaping shall be maintained at all times to ensure that no portions of adjacent sidewalks are blocked or encroached upon.
6. All volatile manufacturing businesses operating at the subject property shall meet with the City of Eureka Fire Department, Building Department, and Police Department and shall implement safety, security, and other related requirements imposed by those Departments.
7. The property owner shall install and maintain a security system at the subject property within any buildings (present or future) that are engaged in non-volatile manufacturing of cannabis. The security system(s) shall be designed as a means of deterring and discouraging criminal activity at the property for as long as any business is engaged in the proposed use.
5. Prior to commencement of any demolition, remodeling or construction, the applicant shall obtain all required Building and Fire permits to the satisfaction of the City of Eureka Building and Humboldt Bay Fire Departments.
6. The applicant shall obtain Design Review approval prior to issuance of a building permit for any exterior improvements to the building to the satisfaction of the Development Services Department.
7. In the event a building permit involving any ground disturbing activity is issued, the City's standard protocol for incidental archeological discovery (cultural or historical artifacts) shall be followed.

**PASSED, APPROVED AND ADOPTED** by the Director of Development Services of the City of Eureka in the County of Humboldt, State of California, on the 24th day of January 2018.

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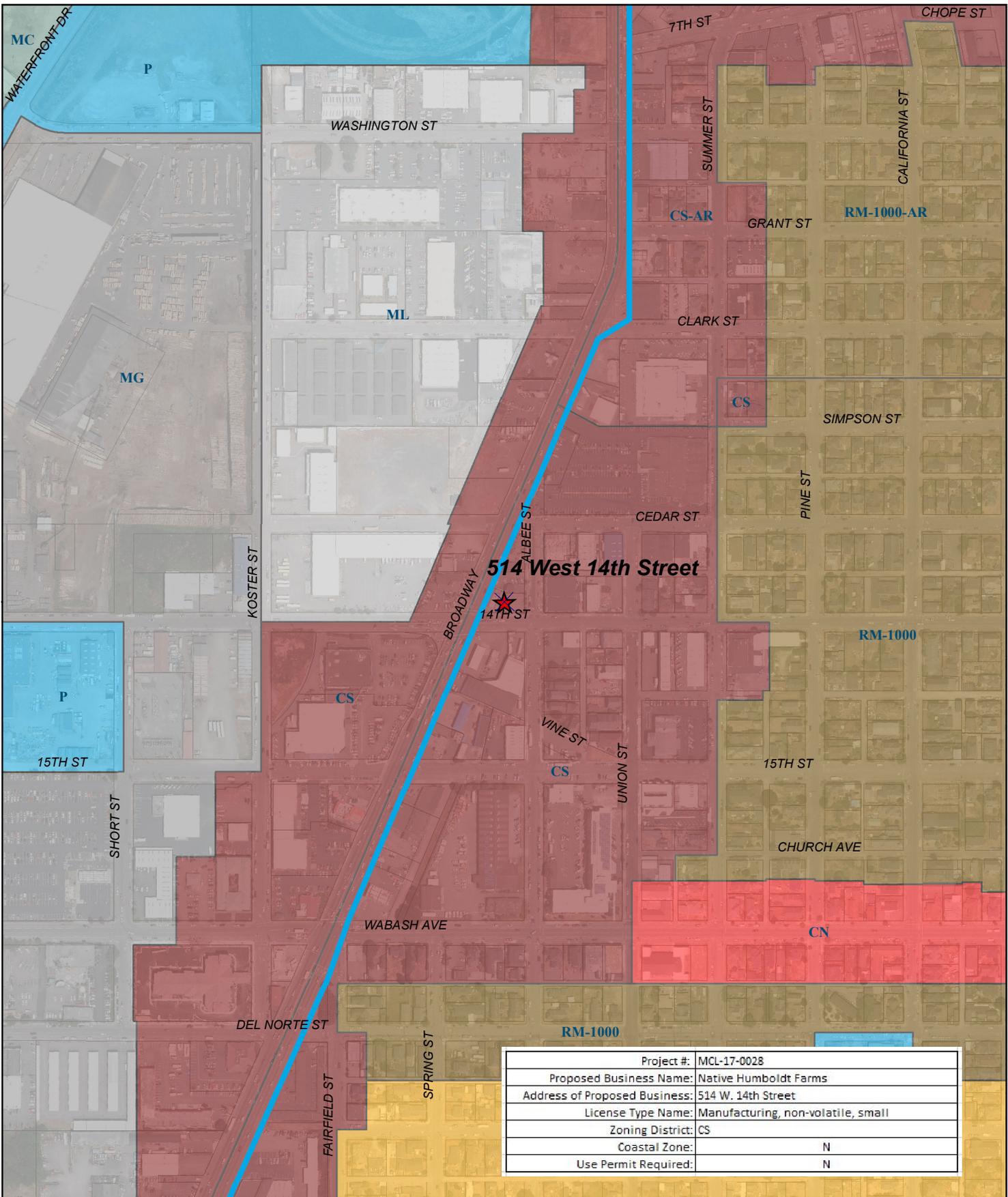
Rob Holmlund, AICP, Director

*Native Humboldt Farms Minor Use Permit*  
*Project Number: MUP-17-0005*

*Attest:*

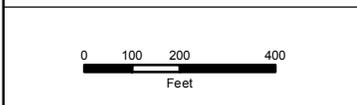
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Pamela J. Powell, City Clerk



Project #:	MCL-17-0028
Proposed Business Name:	Native Humboldt Farms
Address of Proposed Business:	514 W. 14th Street
License Type Name:	Manufacturing, non-volatile, small
Zoning District:	CS
Coastal Zone:	N
Use Permit Required:	N

Scale: 1" = 400'



Coastal Zone Boundary  
 Project Location

**Zoning Designation :**

- CN Service Commercial
- CS Coastal Dependant Industrial
- MC General Industrial
- MG Limited Industrial
- ML Neighborhood Commercial
- P Public
- RM-1000 Multi-Family Residential
- RM-2500

Zoning Map of  
MCL-17-0028



Figure 1  
 Date: 11/9/2017  
 Created By: rtopolewski