

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF PASCAGOULA,  
MISSISSIPPI GRANTING A SPECIAL USE PERMIT FOR  
A CANNABIS CULTIVATION FACILITY AND VARIANCE OF  
THE SETBACK REQUIREMENTS FOR A CANNABIS CULTIVATION  
FACILITY AT 4700 & 4703 PASCAGOULA STREET**

**WHEREAS**, pursuant to Table 4.2.B.2. of the City of Pascagoula’s Unified Development Ordinance, the “Cannabis Cultivation Facility” use type is only allowed in the Community Commercial (CC) District with a Special Use Permit; and

**WHEREAS**, Section 4.3.E.3.b.ii the City’s Unified Development Ordinance provides that Cannabis Cultivation Facilities “shall be located at least 250 feet from any residential district or existing residential use”; and

**WHEREAS**, an application was submitted by David Boland to operate a Medical Cannabis Cultivation Facility at 4700 and 4703 Pascagoula Street, bearing Parcel ID Numbers 41410403.000 and 41410407.050, which are located within a Community Commercial (CC) District; and

**WHEREAS**, the applicant requires a Special Use Permit, as a Cannabis Cultivation Facility in a Community Commercial (CC) District requires a Special Use Permit; and

**WHEREAS**, the applicant is further seeking a Variance from the setback requirements established by Section 4.3.E.3.b.ii; and

**WHEREAS**, on October 12, 2022, the Planning Board conducted a duly-noticed Public Hearing to consider the application and input from interested parties; and

**WHEREAS**, the City Planner provided a report and presentation related to the Special Use Permit for a Cannabis Cultivation Facility, as well as the request for a Variance of the applicable setback requirements; and

**WHEREAS**, the City Planner recommended approval of the Special Use Permit and Variance based on his findings and the application’s consistency with the City’s Unified Development Ordinance; and

**WHEREAS**, the City of Pascagoula’s Planning Board considered the recommendation of the City Planner and, upon conclusion of the Public Hearing at which public comments were invited, the Planning Board unanimously voted to recommend approval of the Special Use Permit and Variance to the City Council; and

**WHEREAS**, on October 18, 2022, a second duly-noticed Public Hearing was held before the Mayor and City Council, at which time the City Planner provided a report and interested parties were allowed to comment; and

**WHEREAS**, the proposed Special Use Permit meets all the review standards contained in Section 2.5.C.e.i. of the City's Unified Development Ordinance, including, but not limited to, that the proposed special use complies with applicable zoning district standards, is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; avoids significant adverse impacts; and is configured and designed to minimize impacts on adjacent lands; and

**WHEREAS**, the proposed Variance meets all the review standards contained in Section 2.5.L.3.e.i(A) of the City's Unified Development Ordinance, including, but not limited to, that the Variance is in harmony with the general purpose and intent of the Unified Development Ordinance and preserves its spirit; the Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and the Variance would not confer on the applicant any special privilege denied by this Ordinance to other lands or structures without a demonstration of hardship.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

**SECTION 1:** The Mayor and City Council of the City of Pascagoula hereby adopt the forgoing recitals as their findings.

**SECTION 2:** The Mayor and City Council of the City of Pascagoula approve the request for a Special Use Permit to allow operation of a Cannabis Cultivation Facility at 4700 and 4703 Pascagoula Street (Parcel ID No's. (41410403.000 and 41410407.050), more particularly described as follows:

A tract of land situated in Section 1, Township 8 South, Range 6 West, Pascagoula, Jackson County, Mississippi and more particularly described as follows:

Commencing at the intersection of the South right-of-way of Pascagoula Street and the East right-of-way of Fair Street; thence North 53 degrees 46 minutes 03 seconds East along the South right-of-way of Pascagoula Street 266 feet more or less to the Point of Beginning; thence South 36 degrees 20 minutes 34 seconds East 150.09 feet to a point on a common property line; thence North 54 degrees 10 minutes 38 seconds East along the North line of that property described in Deed Book 1400, Page 177 for 210.00 feet; thence North 36 degrees 20 minutes 34 seconds West 150.00 feet to a point on the South margin of Pascagoula Street; thence run West along the South margin of Pascagoula Street 210.00 feet to the Point of Beginning.

**SECTION 3:** The Mayor and City Council of the City of Pascagoula approve the request for a Variance from the 250-foot distance requirement from the adjacent Residential District or Residential Use to allow operation of a Cannabis Cultivation Facility at 4700 and 4703 Pascagoula Street (Parcel ID No's. (41410403.000 and 41410407.050).

**SECTION 4:** The approvals provided herein are subject to and conditioned upon compliance with the City's Unified Development Ordinance, as it may be amended from time to time, including, but not limited to, requirements related to separation, licensing, buffer and transmission of noise, odor and light.

**SECTION 5:** That this Resolution and all reports and documents considered with this application be spread upon the minutes of the City Council.

**SECTION 6:** That within ninety (90) days of the adoption of this Resolution, the applicant shall cause the same to be recorded in the Land Records of Jackson County, Mississippi, failing such the Special Use Permit and Variance granted herein shall terminate at the end of said ninety (90) day period.

The motion to approve the foregoing resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, and the following vote was recorded:

Mayor Willis	_____
Councilman Hyde	_____
Councilman Fornett	_____
Councilman Walker	_____
Councilman Parker	_____
Councilman Blythe	_____
Councilman Gatchell	_____

RESOLVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2022

ATTEST:  
\_\_\_\_\_  
City Clerk

CITY COUNCIL  
By: \_\_\_\_\_  
Mayor