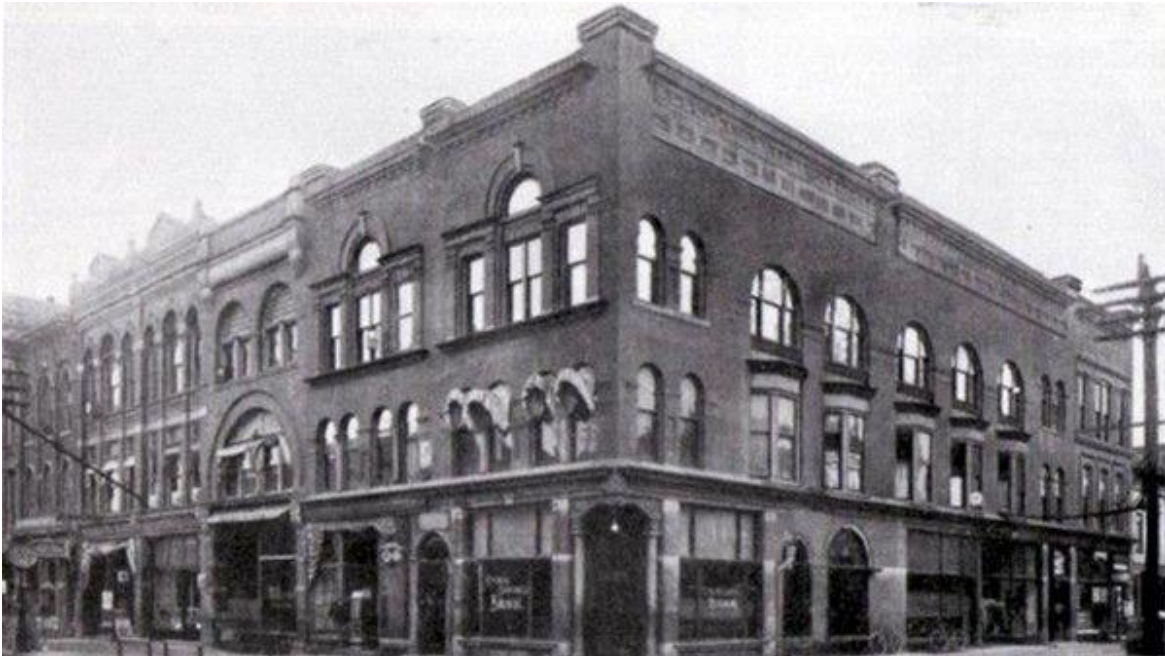


Owosso Planning Commission



*Regular Meeting
6:30pm, Tuesday, May 29, 2018
Owosso City Council Chambers*



MEMORANDUM

301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

DATE: May 25, 2018
TO: Chairman Wascher and the Owosso Planning Commission
FROM: Susan Montenegro, Asst. City Manager / Director of Community Development
RE: Regular Planning Commission Meeting: May 29, 2018

The planning commission shall convene at 6:30 pm on TUESDAY, MAY 29, 2018 in the city council chambers of city hall.

The commission will hold a public hearing at the May meeting on the medical marihuana facilities licensing ordinance language. The packet contains the current draft language as they will appear in each section of the ordinance.

On another note, as most of you know by now, I have taken a position with the City of Leslie as their city manager and will start in that community on June 4th. I have enjoyed working with each of you on this commission and wish you the best going forward. Thank you for your dedication to the city and to planning commission, I will miss you!

Please take a moment to read through the packet; see you Tuesday!

Please **RSVP for the meeting**. Feel free to contact me at 989.725.0544 if you have questions.

Enjoy your weekend!

Sue

AGENDA
Owosso Planning Commission
Regular Meeting

Tuesday, May 29, 2018 at 6:30 p.m.
Council Chambers – Owosso City Hall
Owosso, MI 48867

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA: May 29, 2018

APPROVAL OF MINUTES: April 23, 2018

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from April 23, 2018.
3. Draft ordinance for Medical Marihuana.

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARING:

1. Medical Marihuana Ordinance

SITE PLAN REVIEW:

1. None.

BUSINESS ITEMS:

1. None.

ITEMS OF DISCUSSION:

1. None.

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: **Next meeting will be Monday, June 25, 2018**

Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on TUESDAY, May 29, 2018.

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500]. The City of Owosso website is: www.ci.owosso.mi.us

**MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
MONDAY, APRIL 23, 2018 – 6:30 P.M.**

CALL TO ORDER: Vice-Chair Livingston called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited.

ROLL CALL: Tanya Buckelew

MEMBERS PRESENT: Vice-Chair Livingston, Secretary Janae Fear, Commissioners Jenkins (arrived at 6:35 p.m.), Kirkland, Law and Taylor

MEMBERS ABSENT: Chairman Wascher, Commissioner Adams

OTHERS PRESENT: Assistant City Manager Susan Montenegro, City Attorney Scott Gould, City Manager Nathan Henne

APPROVAL OF AGENDA:
MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER FEAR TO APPROVE THE AGENDA FOR APRIL 23, 2018.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER LAW TO APPROVE THE MINUTES FOR THE MARCH 26, 2018 MEETING.

YEAS ALL. MOTION CARRIED.

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from March 26, 2018
3. Draft ordinance for Medical Marihuana
4. Mark Hanna communication

COMMISSIONER/PUBLIC COMMENTS:

None

PUBLIC HEARING:

None

SITE PLAN REVIEW:

None

BUSINESS ITEMS:

1. Draft ordinance language for Medical Marihuana Facilities Licensing. Look at proposed ordinance language and discuss.

- A revised draft from the March 2018 meeting was discussed.
- All changes are either in red or a line drawn through the wording to remove
- Page 9 of 11 Sec. 7 Security Cameras – recordings shall be kept for 90 days
- Sec. 1003 – D – Lottery base discussion held.
- Page 3 of 11 – D – change wording to: Applicants who were not awarded a license shall receive a refund of \$2,500 within 30 days of the drawing.
- Add to page 3 of 11 – D – A second round of applications may be accepted at a later date if all 4 licenses are not awarded in the first round, to be determined by Council.
- Public Hearing for the ordinance will be at the May 2018 meeting.

ITEMS OF DISCUSSION:

1. Master Plan Update: Ms. Montenegro is in the process of sending out Request For Proposals (RFP) to obtain outside assistance with the task of updating the Master Plan. Planning Commission would then review the proposals. This project will start in the 2018-2019 Budget Year. It will take approximately 6-8 months to complete.

COMMISSIONER/PUBLIC COMMENT:

Ms. Montenegro state the Zoning Ordinance updates will be done in the 2019-2020 Budget Year.

The May 2018 meeting will include Site Plan Reviews for the facades on the downtown businesses through the grant process.

There is Planning/Zoning training on May 23, 2018 at U of M – Flint for those board members who are interested.

ADJOURNMENT:

MOTION BY COMMISSIONER FEAR, SUPPORTED BY COMMISSIONER TAYLOR TO ADJOURN AT 7:45 P.M. UNTIL THE NEXT MEETING ON MAY 29, 2018 (CHANGED DUE TO THE MEMORIAL HOLIDAY).

YEAS ALL, MOTION CARRIED.

Janae L. Fear, Secretary

CHAPTER 16.5
Police Power Ordinance

AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIHUANA FACILITIES.

Section 16.5-1. Purpose

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in the city of Owosso and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the city of Owosso through imposition of an annual, nonrefundable fee of \$5,000.00 on each medical marihuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. Further, the city does not intend that permitting and regulation under this chapter be construed as a finding that such facilities comply with any law.**
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.**
- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.**
- D. Must comply with all state building codes, including but not limited to plumbing, mechanical, electrical, building energy and fire codes which includes the city of Owosso zoning ordinance, as applicable under law.**

Section 16.5-2. Definitions

For the purposes of this ordinance:

- A. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.**
- B. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.**

- C. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- D. "**Grower**" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- E. "**Licensee**" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- F. "**Marijuana**" or "**marihuana**" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- G. "**Marihuana facility**" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- H. "**Person**" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- I. "**Processor**" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- J. "**Provisioning center**" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
- K. "**Safety compliance facility**" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- L. "**Secure transporter**" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Section 16.5-3. Authorization of Facilities and Fee.

- A. The maximum number of each type of marihuana facility allowed in the city of Owosso shall be as follows.

<u>Facility</u>	<u>Number</u>
Grower	unlimited
Processor	unlimited
Provisioning center	#4
Safety compliance facility	unlimited
Secure transporter	unlimited

- B. Planning commission shall review the number of facilities allowed at the one year mark to re-evaluate and determine if the number allowed needs to be adjusted. From that point on, every three (3) years, city council shall review the maximum number of each type of marihuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the city council.
- C. A nonrefundable fee shall be paid by each marihuana facility licensed under this ordinance in an annual amount of \$5,000.00 as set by resolution of the city of Owosso City Council.
- D. The first four provisioning center licenses shall be awarded via lottery. The application fee of \$5,000 shall be paid in full at the time the application is submitted. The first round of applications will be accepted for a 30 day period, to be determined by city council. All names of applicants will be entered into the drawing on a day to be set by council and shall be open to the public. Applicants who are not awarded a license shall receive a refund of \$2,500 within 30 days of the drawing. A second round of applications may be accepted at a later date if all four licenses are not awarded in the first round, to be determined by city council.
- E. Vacated or revoked licenses. The city will hold another lottery to award the license to another applicant should a provisioning center license be vacated or revoked. The process would mimic the steps outlined above but would be limited to the number of vacated or revoked license(s) available.

Section 16.5-4. Requirements and Procedure for Issuing License

- A. No person shall operate a marihuana facility in city of Owosso without a valid marihuana facility license issued by the city of Owosso pursuant to the provisions of this ordinance.
- B. Every applicant for a license to operate a marihuana facility shall file an application in the city clerk's office upon a form provided by the city of Owosso.
- C. Every applicant for a license to operate a marihuana facility shall submit with the application a photocopy of the applicant's valid provisional license issued by the State of Michigan in accordance with the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- D. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The city clerk shall act to approve or deny an application not later than fourteen (14) days from the

date the application was accepted. If approved, the city clerk shall issue the applicant a provisional license.

- E. A provisional license means only that the applicant has submitted a valid application for a marihuana facility license, and the applicant shall not locate or operate a marihuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the city of Owosso. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.
- F. Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the city clerk shall approve or deny the marihuana facility license. The city clerk shall issue marihuana facility licenses in order of the sequential application number previously assigned.
- G. Maintaining a valid marihuana facility license issued by the state is a condition for the issuance and maintenance of a marihuana facility license under this ordinance and continued operation of any marihuana facility.
- H. A marihuana facility license issued under this ordinance is not transferable.
- I. If the application is for a grower's license, the maximum number of plants that the applicant intends to grow will be included.
- J. The License requirement in this chapter applies to all facilities whether operated for profit or not for profit.

Section 16.5-5. License Renewal

- A. A marihuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marihuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the city of Owosso and payment of the annual license fee. Application to renew a marihuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.
- C. Applications for renewal or amendment of existing permits shall be reviewed and granted or denied before applications for new permits are considered.

Section 16.5-6. Applicability

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marihuana facility were established without authorization before the effective date of this ordinance.

Section 16.5-7. Penalties and Enforcement.

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a misdemeanor. Each day a violation of this Ordinance continues to exist constitutes a separate

violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- B. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the city of Owosso may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.**
- C. This Ordinance shall be enforced and administered by the zoning administrator, or such other city official as may be designated from time to time by resolution of the city council.**
- D. A license issued under this chapter may be suspended or revoked for any of the following violations:**
 - (1) Any person required to be named on the permit application is convicted of or found responsible for violating any provision of this chapter;**
 - (2) A permit application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the city with any other false or misleading information related to the facility;**
 - (3) Any person required to be named on the permit application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the permit application;**
 - (4) Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;**
 - (5) The facility is operated or is operating in violation of the specifications of the permit application, any conditions of approval by the city or any other applicable state or local law, rule or regulation.**
 - (6) The city, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or other applicable state or local laws related to public health and safety.**
 - (7) The facility is determined by the city to have become a public nuisance.**
 - (8) The facility's state operating license has been suspended or revoked.**
- E. Possession, sale or consumption of any form of alcohol is strictly prohibited in any of the licensed medical marihuana facilities.**

Section 16.5-8. Severability.

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

Add the following definitions to Section 38-5. -Definitions.

"Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

"Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Marijuana" or **"marihuana"** means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

"Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Outdoor production" means growing marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

"Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Sec. 38-197. - Principal uses permitted.

(11) A marihuana provisioning center as authorized by the city of Owosso's police power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

- i. **Hours.** A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
- ii. **Indoor Activities.** All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- iii. **Other Activities.** Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- iv. **Nonconforming Uses.** A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
- v. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- vi. **Buffer Zones.** A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.
 1. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school.
 2. A provisioning center may not be located within 100 feet of a residentially zoned property.
 3. A new application for a provisioning center, or a request to transfer location of an existing license, may be denied if the proposed location is within 200 feet of a school. The City may waive the school provision if the school does not file an objection to the proposed license. If the school does file an objection, the City shall hold a hearing before making a decision on the issuance of the license.
- vii. **Odor.** As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

2. **The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.**
3. **The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.**
4. **Negative air pressure shall be maintained inside the building.**
5. **Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.**
6. **An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.**

Sec. 38-217. - Principal uses permitted.

- g. ~~Medical marijuana dispensary or clinic provided that the medical marijuana dispensary or clinic is operated in full compliance with the Medical Marijuana Act, MCL 333.26421, and no medical marijuana dispensary or clinic shall be located within one thousand (1,000) feet of another dispensary, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any dispensary be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:~~
 1. ~~Any house of worship;~~
 2. ~~Any parcel zoned and used for residential purposes;~~
 3. ~~Any licensed day care facility;~~
 4. ~~Any public library.~~
- h.g. Other uses similar to the above uses;
- i.h. Accessory structures and uses customarily incident to the above permitted uses.
- j.i. Smoking lounges shall not be located within one thousand (1,000) feet of another smoking lounge, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any smoking lounge be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 1. Any house of worship;
 2. Any parcel zoned and used for residential purposes;
 3. Any licensed day care facility;
 4. Any public library.

(3) Residential structures existing as of January 1, 2012.

(4) A marihuana provisioning center as authorized by the city of Owosso's police power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

- i. **Hours.** A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
- ii. **Indoor Activities.** All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- iii. **Other Activities.** Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- iv. **Nonconforming Uses.** A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
- v. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- vi. **Buffer Zones.** A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.
 1. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school.
 2. A provisioning center may not be located within 100 feet of a residentially zoned property.
 3. A new application for a provisioning center, or a request to transfer location of an existing license, may be denied if the proposed location is within 200 feet of a school. The City may waive the school provision if the school does not file an objection to the proposed license. If the school does file an objection, the

City shall hold a hearing before making a decision on the issuance of the license.

- vii. **Odor.** As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

Sec. 38-242. - Principal uses permitted.

(9) A marihuana provisioning center as authorized by the city of Owosso's police power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

- i. **Hours.** A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
- ii. **Indoor Activities.** All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.

- iii. **Other Activities.** Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- iv. **Nonconforming Uses.** A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
- v. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- vi. **Buffer Zones.** A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the contemplated location and from the part of the contemplated location nearest to the school building.
 - 1. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school.
 - 2. A provisioning center may not be located within 100 feet of a residentially zoned property.
 - 3. A new application for a provisioning center, or a request to transfer location of an existing license, may be denied if the proposed location is within 200 feet of a school. The City may waive the school provision if the school does not file an objection to the proposed license. If the school does file an objection, the City shall hold a hearing before making a decision on the issuance of the license.
- vii. **Odor.** As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
 - 1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - 2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
6. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

Sec. 38-267. - Principal uses permitted.

(10) A marihuana provisioning center as authorized by the city of Owosso's police power authorizing ordinance.

a. Provisioning centers shall be subject to the following standards:

- i. **Hours.** A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
- ii. **Indoor Activities.** All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- iii. **Other Activities.** Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- iv. **Nonconforming Uses.** A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
- v. **Physical Appearance.** The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- vi. **Buffer Zones.** A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows: The distance between the school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the

contemplated location and from the part of the contemplated location nearest to the school building.

1. A provisioning center may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school.
2. A provisioning center may not be located within 100 feet of a residentially zoned property.
3. A new application for a provisioning center, or a request to transfer location of an existing license, may be denied if the proposed location is within 200 feet of a school. The City may waive the school provision if the school does not file an objection to the proposed license. If the school does file an objection, the City shall hold a hearing before making a decision on the issuance of the license.

vii. **Odor.** As used in this subsection, building means the building, or portion thereof, used for a provisioning center.

1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
4. Negative air pressure shall be maintained inside the building.
5. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
6. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

Sec. 38-292. - Principal uses permitted.

~~(8) The operation of a medical marijuana growing facility provided that the medical marijuana growing facility is operated in full compliance with the Medical Marijuana Act, MCL 333-26421, and no medical marijuana growing facility shall be located within one thousand (1,000) feet of any other medical marijuana growing facility, any park identified and so signed by the city, or~~

~~any public or private school, college, or university property, nor shall any medical marihuana growing facility be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:~~

- ~~a. Any house of worship;~~
- ~~b. Any parcel zoned and used for residential purposes;~~
- ~~c. Any licensed day care facility;~~
- ~~d. Any public library.~~

~~(98) Other uses of a similar and no more objectionable character to the above uses;~~

~~(409) Accessory buildings and uses customarily incident to any of the above permitted uses;~~

~~(4410) Residential structures existing as of January 1, 2012.~~

(11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's police power authorizing ordinance.

- a. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city of Owosso. In the event that a court with jurisdiction declares some or all of this article invalid, then the city of Owosso may suspend the acceptance of applications for Medical Marihuana Facilities Licenses pending the resolution of the legal issue in question.**
- b. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city of Owosso.**
- c. The city of Owosso may suspend or revoke a Medical Marihuana Facilities License based on the finding that the provisions of the Medical Marihuana Facilities Licensing Act, all other applicable provisions of this zoning ordinance, the city of Owosso's police power authorizing ordinance, or the approved site plan are not met.**
- d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.**
- e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in Chapter 26 – Signs of the *Owosso Code of Ordinances*.**

(12) Marihuana growers and marihuana processors shall be subject to the following standards:

- a. Minimum Yard Depth/Distance from Lot Lines. Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Article XVI. –Schedule of Regulations for each zoning designation as listed.**
- b. Indoor Production and Processing. In the I-1 light industrial district, marihuana processing shall be located entirely within one or more completely enclosed buildings. In the I-1 light industrial district, marihuana production shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.**

- c. **Maximum Building Floor Space.** The following standards apply in the I-1 light industrial district:
- i. If only a portion of a building is authorized for use in marihuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana production space and the remainder of the building.
- d. **Lighting.** Lighting shall be regulated as follows:
- i. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - ii. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
- e. **Odor.** As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.
- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. **Security Cameras.** Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan. Recordings shall be kept for 90 days.