



**CITY OF OWOSSO
PLANNING COMMISSION**

Regular Meeting

Monday, January 28, 2019 at 6:30 p.m.
Council Chambers – Owosso City Hall
301 W. Main Street, Owosso, MI 48867

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA – January 28, 2019

APPROVAL OF MINUTES – December 10, 2018

PUBLIC HEARING

1. Public hearing and action on Proposed Amendments to Chapter 38 – Zoning Ordinance buffer zone requirements for medical marihuana businesses Sec 38-197, Sec 38-217, Sec 38-242, Sec 38-267, Sec 38-292
2. Public hearing and action on Proposed Amendments to Chapter 38 – Zoning Ordinance industrial outdoor storage screening Sec. 38-292, Sec. 38-312, Sec. 38-393 and 38-389
3. Public hearing and action on Proposed Amendments to Chapter 38 – Zoning Ordinance amateur radio antenna regulations Sec. 38-379

OLD BUSINESS

4. Review of Proposed Amendments to Chapter 26 – Sign Ordinance and provide edits and/or schedule a public hearing for February meeting

NEW BUSINESS

5. Presentation and action of the City of Owosso 2019-25 Capital Improvements Plan
6. 2018 Planning Commission Annual Report per 125.319 (2) of the Michigan Planning Enabling Act 33 of 2008

OTHER BOARD BUSINESS

PUBLIC COMMENTS AND COMMUNICATIONS

ADJOURNMENT

Next regular meeting will be on Monday, February 25, 2019, if any requests are received.

Commissioners, please call Tanya at 989-725-0540 if you will be unable to attend this meeting

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and recordings 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, DECEMBER 10, 2018 – 6:30 P.M.**

CALL TO ORDER: Chairman Wascher called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE: Recited

ROLL CALL: Tanya Buckelew

MEMBERS PRESENT: Chairman Wascher, Vice-Chair Livingston, Secretary Janae Fear, Commissioners Jenkins (arrived at 6:31 pm), Lafferty, Law and Taylor

MEMBERS ABSENT: Commissioners Adams and Kirkland

OTHERS PRESENT: Assistant City Manager Amy Cyphert, Argus Press Reporter

APPROVAL OF AGENDA:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR DECEMBER 10, 2018 WITH CHANGES:

1. MOVE NEW BUSINESS ITEM #6 TO OLD BUSINESS ITEM #2
2. OLD BUSINESS #4 CHANGE SEC 97-379 TO SEC 38-379
3. REMOVE NEW BUSINESS ITEM #5
4. CHANGE THE NEXT MEETING DATE YEAR TO 2019.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE NOVEMBER 26, 2018 MEETING.

YEAS ALL. MOTION CARRIED.

OLD BUSINESS:

1. Review of Proposed Amendments to Chapter 26 – Sign Ordinance – Postpone

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY SECRETARY FEAR TO POSTPONE THE REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 26 – SIGN ORDINANCE UNTIL THE JANUARY 28, 2019 MEETING.

YEAS ALL. MOTION CARRIED.

6. Planning Commission discussion and possible recommendation to City Council on a Recreational Marijuana Facility Moratorium – this agenda item was motioned by City Council. *This item was moved here to discuss before the Medical Marihuana Ordinance Amendments*

Ms. Cyphert explained the following in regards to recommending a Recreational Marijuana Establishments and Licensing Moratorium:

Background

At the City Council meeting of December 3rd, the City Manager presented and recommended a moratorium for Recreational Marijuana Establishments. During the discussion, City Council motioned to remand the subject to Planning Commission for their recommendation.

On December 6, 2018, recreational marijuana becomes legal to use, grow, and possess for any Michigan resident who is least 21 years or older. However, the Michigan Department of Licensing and Regulatory Affairs (LARA) has until December 6, 2019 to come up with rules and an application process regulating recreational marijuana establishments.

Staff Recommendation

City Staff recommends the adoption a moratorium on recreational marijuana establishments and local applications until LARA releases its regulations and application process guidelines.

Below are the reasons City Staff recommends and supports the moratorium:

1. The passing of a moratorium on recreational marijuana establishments no way places a moratorium on the usage of recreational marijuana. Recreational marijuana becomes legal to use, grow, and possess for any Michigan resident who is 21 years or older on December 6th.
2. Moratoriums were widely used by communities after the passing of Proposal 1 – Michigan Medical Marijuana Act. They allowed the State and communities time to establish rules and requirements.
3. A moratorium allows the Planning Commission and City Council time to amend the existing medical marijuana ordinance, hold the lottery and get medical marijuana provisioning centers operational.
4. We have yet to see the affects that medical marihuana facilities will have on the City and City's law enforcement.
5. Creating a recreational marijuana establishment ordinance before LARA establishes rules would not be an efficient way of authoring an ordinance. LARA's rules may result in revisions or a complete rewrite of said ordinance due to premature creation. - You would be expending time and money similar to the amendments being done currently for medical marijuana.
6. Waiting and doing nothing would be a worst idea for Owosso because if LARA releases their rules early, Owosso will automatically opt in with no controls in place. By the time, the city scrambles to get something in place after an automatic opt-in we could have situations of vested property rights in place regarding recreational marijuana establishments and nothing to solve the problem but a long and costly route through the court system with an uncertain result.
7. Proposal 1 Medical Marihuana was supported and went into effect in December of 2008. There were multiple revisions and court cases that altered the medical marihuana act from 2008 to 2015. The Medical Marihuana Facilities Licensing Act (MMFLA) of 2016 provided further guidance on dispensaries and clarified the legality of edible products in Michigan. The new law allowed licensed dispensaries to operate in communities that chose to allow them as well as licensing for growers, processors, testing facilities, and transporters. – These changes resulted in the City of Owosso having to amend the ordinance twice with a third time occurring currently.

Commission Action

Recommend that City Council adopt a moratorium on recreational marijuana establishments and local applications until after LARA has established the state regulations/application process and the City has adopted ordinance amendments to regulate recreational marijuana establishments.

Planning Commission Members expressed the need to continue moving forward on this subject and be ready when LARA releases the state regulations/application process.

Commissioners discussed the pros and cons of amending the current Medical Marijuana Ordinance to accommodate Recreational Marijuana.

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY SECRETARY FEAR TO RECOMMEND THAT CITY COUNCIL ADOPT A TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS AND LOCAL APPLICATIONS UNTIL AFTER LARA HAS ESTABLISHED THE STATE REGULATIONS/APPLICATION PROCESS AND THE CITY HAS ADOPTED ORDINANCE AMENDMENTS TO REGULATE RECREATIONAL MARIJUANA ESTABLISHMENTS.

RCV

YEAS: SECRETARY FEAR, COMMISSIONERS JENKINS AND LAFFERTY, VICE-CHAIR LIVINGSTON, COMMISSIONER TAYLOR AND CHAIRMAN WASCHER

NAYS: COMMISSIONER LAW

MOTION CARRIED

2. **Review of Proposed Amendments to Chapter 38 – Zoning Ordinance buffer zone requirements for medical marijuana businesses Sec. 38-197, Sec. 38-217, Sec. 38-242, Sec. 38-267, Sec. 38-292 and provide edits and/or schedule a public hearing for January meeting**

MOTION BY COMMISSIONER LAW, SUPPORTED BY VICE-CHAIR LIVINGSTON TO SCHEDULE A PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE MEDICAL MARIJUANA ORDINANCE FOR THE JANUARY 28, 2019 MEETING.

YEAS ALL. MOTION CARRIED.

3. **Review of Proposed Amendments to Chapter 38 - Zoning Ordinance industrial outdoor storage screening Sec. 38-292, Sec. 38-312, Sec. 38-393 and 38-389 and provide edits and/or schedule a public hearing for January meeting**

MOTION BY COMMISSIONER LAW, SUPPORTED BY VICE-CHAIR LIVINGSTON TO SCHEDULE A PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE INDUSTRIAL OUTDOOR STORAGE SCREENING FOR THE JANUARY 28, 2019 MEETING.

YEAS ALL. MOTION CARRIED.

4. **Review of Proposed Amendments to Chapter 38 – Zoning Ordinance amateur radio antenna regulations Sec. 97-379 and provide edits and/or schedule a public hearing for January meeting**

Ms. Cyphert stated she will add language for existing antennas.

MOTION BY COMMISSIONER TAYLOR, SUPPORTED BY COMMISSIONER LAW TO SCHEDULE A PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AMATEUR RADIO ANTENNA REGULATIONS FOR THE JANUARY 28, 2019 MEETING.

YEAS ALL. MOTION CARRIED.

OTHER BOARD BUSINESS:

At the last meeting there were questions about the Smith and Voss temporary sign that was used as a permanent sign. The code enforcement to correct the violation took a year and a half.

ADJOURNMENT:

MOTION BY COMMISSION TAYLOR, SUPPORTED BY VICE-CHAIR LIVINGSTON TO ADJOURN AT 7:30 P.M. UNTIL THE NEXT MEETING ON JANUARY 28, 2019.

YEAS ALL, MOTION CARRIED.

Janae L. Fear, Secretary

SECTION 1. ADDITION – CHAPTER 16.5. That the Code of Ordinances of the City of Owosso, Michigan, is hereby amended by adding a chapter, to be numbered Chapter 16.5, Medical Marihuana Facilities Licensing - Police Power Ordinance, which shall read as follows:

Sec. 16.5-7. - Penalties and Enforcement.

- (a) Any person who violates any of the provisions of this ordinance shall be responsible for a 90-day 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 by 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 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 licensed medical marihuana facilities.

AMENDMENT 38

Sec. 38-197. - Principal uses permitted. (B-1, Local Business District)

In a B-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

(11) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power Ordinance, Chapter 16.5.

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

6. 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.~~

i. 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. The distance between the school building and the provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.

ii. A provisioning center may not be located within 100 feet of a residentially zoned property structure. The distance between the residential zoned structure and the provisioning center 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 residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center 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 intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.

Sec. 38-217. - Principal uses permitted. (B-2, Planned Shopping Center District)

In a B-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

(4) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

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

6. 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.~~

i. 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. The distance between the school building and the provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.

ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property~~ structure. The distance between the residential zoned structure and the provisioning center 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 residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center 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 intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.

Sec. 38-242. - Principal uses permitted. (B-3, Central Business District)

In a B-3 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (9) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 6. 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.~~
 - i. 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. The distance between the school building and the provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned property structure. The distance between the residential zoned structure and the provisioning center 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 residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center 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 intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.

Sec. 38-267. - Principal uses permitted. (B-4, General Business District)

In a B-4 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

(10)A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

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

6. 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.~~

i. 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. The distance between the school building and the provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.

ii. A provisioning center may not be located within 100 feet of a residentially zoned ~~property structure~~. The distance between the residential zoned structure and the provisioning center 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 residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.

iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center 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 intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers 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 nearest part of each provisioning centers to the other provisioning center.

Sec. 38-292. - Principal uses permitted. (I-1, Light Industrial District)

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

~~(11) A marihuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - 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 this entire 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 and State of Michigan.~~
- ~~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.~~

(11) A marihuana provisioning center as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance.

- a. Provisioning centers shall be subject to the following standards:
 - 1. 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.
 - 2. 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.
 - 3. Other Activities. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
 - 4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
 - 5. 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.

6. 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:
 - i. 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. The distance between the school building and the provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center 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 residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center 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 intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers 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 nearest part of each provisioning centers to the other provisioning center.
7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
 - 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 time length needed to allow people to ingress or egress the building.
- vi. 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.

(12) Marihuana growers-, processor, safety compliance facility or secure transporter as authorized by the city of Owosso's Medical Marihuana Facilities Licensing - Police Power authorizing ordinance ~~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 Growing and Processing. In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one or more completely enclosed buildings.
- c. Maximum Building Floor Space. The following maximum building floor space shall apply in the I-1 light industrial district:
 - 1. If only a portion of a building is authorized for use in marihuana growing or processing, 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 growing or processing 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 growing or processing space and the remainder of the building.
- d. Lighting. Lighting shall be regulated as follows:
 - 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - 2. 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 growing or marihuana processing.
 - 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 length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the 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.
- g. 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:
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. The distance between the school building and the provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 2. A provisioning center may not be located within 100 feet of a residentially zoned structure. The distance between the residentially zoned structure and the provisioning center 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 residentially zoned structure nearest to the provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 3. A provisioning center may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center 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 intersection of the minimum front or rear yard and side yard setback requirement nearest to the provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
- f.4. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.

ARTICLE XIII. - I-1 LIGHT INDUSTRIAL DISTRICTS

Sec. 38-292. - Principal uses permitted.

In an I-1 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter and subject further to the review and approval of the site plan by the planning commission in accordance with [section 38-390](#):

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building;
- (2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment ~~used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any residential, office or business districts, and on any front yard abutting a public thoroughfare except as otherwise provided in shall meet the requirements of section 38-389section 38-289 or section 38-393. In I-1 districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four (4) feet six (6) inches in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of article XVII, general provisions. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.~~
 - a. Warehousing and wholesale establishments, and trucking facilities;
 - b. The manufacture, compounding, processing, packaging or treatment of such products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre [fiber], fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
 - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
 - g. Laboratories—Experimental, film or testing;

- h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail;
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (3) Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; freight terminals;
- (4) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an ~~obscuring solid~~ wall or fence that meets the requirements of section 38-389 or section 38-393, ~~on those sides abutting all residential, office, or business districts, and on any yard abutting a public thoroughfare. In any "I-1" district, the extent of such fence or wall may be determined by the planning commission on the basis of usage. Such fence or wall shall not be less than five (5) feet in height, and may, depending on land usage, be required to be eight (8) feet in height. A chain-link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence;~~
- (5) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
- (6) Commercial kennels;
- (7) Greenhouses;
- (8) Other uses of a similar and no more objectionable character to the above uses;
- (9) Accessory buildings and uses customarily incident to any of the above permitted uses;
- (10) 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's medical marihuana facilities licensing — police power authorizing ordinance.
- a. Any uses or activities found by the state or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city. In the event that a court with jurisdiction declares some or this entire article invalid, then the city 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 and state.
 - c. The city 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'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 chapter.
 - e. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in [chapter 26](#) — signs.
- (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 growing and processing.* In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one (1) or more completely enclosed buildings.
 - c. *Maximum building floor space.* The following maximum building floor space shall apply in the I-1 light industrial district:
 - 1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing 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 growing or processing space and the remainder of the building.
 - d. *Lighting.* Lighting shall be regulated as follows:
 - 1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - 2. 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 growing or marihuana processing.
 - 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 (1) 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 (3). 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 three hundred sixty-five (365) days.
 4. Negative air pressure shall be maintained inside the building.
 5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 6. An alternative odor control system is permitted if the 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. Recordings shall be kept for ninety (90) days.

(Code 1977, § 5.58; Ord. No. 499, 2-16-93; Ord. No. 721, § 5, 4-18-11; Ord. No. 729, § 1, 2-6-12; Ord. No. 793, § 7, 7-2-18)

ARTICLE XIV. - I-2 GENERAL INDUSTRIAL DISTRICTS

Sec. 38-312. - Principal uses permitted.

In an I-2 district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any principal use first permitted in an I-1 district;
- (2) Onsite heating and electric power generating plants using conventional fuels or renewable resources;
- (3) Gasoline or petroleum storage;
- (4) Railroad yards;
- (5) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Junkyards, provided such are entirely enclosed within a building or ~~within an eight (8) foot obscuring wall~~ the site meets Sec. 38-389 wall requirements and provided further that one property line abuts a railroad right-of-way.
- (6) Foundry operations within a closed building;
- (7) Any other use which shall be determined by the council after recommendation from the planning commission, to be of the same general character as the above permitted uses in this section. The council may impose any required setbacks and/or performance standards so as to ensure public health, safety and general welfare;
- (8) Accessory buildings and uses customarily incident to any of the above permitted uses.

Additional uses allowed by special use permit:

- (1) Grain elevators;
- (2) Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any residential district and not less than three hundred (300) feet distant from any other district:
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;
 - b. Blast furnace, steel furnace, blooming or rolling mill;
 - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris;
 - d. Petroleum or other inflammable liquids, production or refining;
 - e. Smelting of copper, iron or zinc ore.

(Code 1977, § 5.63; Ord. No. 768, § 1, 6-15-15)

Sec. 38-389. - Walls.

- (a) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, or a single-family detached residential use, an obscuring wall as required below, except otherwise required in subsection (d):

Use Requirements

- (1) P-1 Vehicular parking district—Four (4) foot six (6) inch high wall. Off-street parking area (other than P-1 districts) four (4) foot six (6) inch high wall.
 - (2) B-1, B-2, B-3, B-4, and OS-1 districts—Four (4) foot, six (6) inch high wall.
 - (3) I-1 and I-2 districts—Open storage areas, loading or unloading areas, service areas—Four (4) foot, six (6) inch to eight (8) foot high wall ~~or fence.~~ Wall Hheight shall be one (1) foot above the height of the open storage items, piles, etc. provide the most complete obscuring possible. See subsection (d) of this section.
 - (4) Auto wash. Drive-in restaurants—Six (6) foot high wall.
 - (5) Utility buildings, stations and/or substations—Six (6) foot high wall.
- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the board of appeals or planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.
- (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the police chief and the building inspector. All walls herein required shall be constructed of materials approved by the building inspector to be durable, weather resistant, rust proof and easily maintained. ~~Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the building inspector.~~
- ~~(d) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district, or single family detached residential use, shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.~~
- ~~(e)~~(d) The ~~board of appeals or~~ planning commission may waive or modify the foregoing requirements where cause can be shown that no good purpose

would be served, provided that in no instance shall a required wall be permitted to be less than four (4) feet six (6) inches in height, except where [section 38-388](#) applies. In certain consideration of request to waive wall requirements between nonresidential and residential districts, or single-family detached residential use, the planning commission shall determine ~~or the board shall refer the request to the planning commission to determine~~ whether or not the residential district or single-family detached residential use, is considered to be an area in transition and will become nonresidential in the future. In such cases as the planning commission determines the residential district or single-family detached residential use, to be a future nonresidential area, ~~the board or~~ commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver.

(Code 1977, § 5.89; Ord. No. 440, § 1, 1-6-86)

Sec. 38-393. - Fences and hedges.

- (a) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure (excluding hedges as defined below).
- (b) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (c) Regulations applicable to R-1, R-2, RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
 - (1) A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
 - (2) Front yard fences or hedges must be less than fifty (50) percent solid, impervious, or of an obscuring nature above a height of thirty (30) inches above the curb or centerline of the street, and not exceed four (4) feet in total height;
 - (3) Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least nineteen (19) feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
 - (4) No fence or hedge shall extend across property lines;
 - (5) The finished side of any fence shall face away from the property on which the fence is located;
 - (6) No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
 - (7) Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance;
 - (8) Fences shall not be constructed, in whole or in part, with any of the following materials:
 - a. Junk or other debris.
 - b. Scrap building materials or metals.
 - c. Organic materials known to be poisonous or hazardous to human or animal life.
 - d. Other materials which may be deemed unsafe to person or property by the zoning administrator or building official.
 - (9) No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.
 - (10) Screening walls are required as prescribed in [section 38-389](#).
- (d) Regulations applicable to industrial districts.
 - (1) ~~Fences, walls and screens~~ are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.

(2) Industrial district uses with open storage areas, loading or unloading areas, service areas shall provide and maintain on those sides abutting or adjacent to a residential district, or a single-family detached residential use, a solid fence not to exceed eight (8) foot high. The fence height shall be one (1) foot above the height of the open storage items, piles, etc. A solid gate shall also be provided to screen the open storage from the right of way.

~~(1)~~(3) Except as provided below, barbed wire strands and noncoated or decorative chain link are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.

~~(2)~~(4) On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.

~~(3)~~(5) Screening walls are required as prescribed in [section 38-389](#).

(e) The zoning administrator or building official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.

(f) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

(Ord. No. 745, §§ 1, 3, 8-19-13)

Editor's note— Ord. No. 745, §§ 1, 3, adopted Aug. 19, 2013, repealed [§ 38-393](#), and enacted a new [§ 38-393](#) as herein set out. Former [§ 38-393](#) pertained to fences, walls, or screens, and derived from the 1977 Code, §§ 8.202—8.207; Ord. No. 436, [§ 1](#)(5.92(a)), adopted Sept. 16, 1985; Ord. No. 524, [§ 1](#), adopted March 20, 1995; and Ord. No. 626, [§ 1](#), adopted March 17, 2003.

Cross reference— Corner clearance, [§ 38-388](#).

Sec. 38-379. - Accessory buildings.

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

(11) Amateur Radio Services regulations are as follows:

a. This section is intended to:

1. Provide for the reasonable accommodation of Amateur Radio Support Structures in the City per the Michigan Zoning Enabling Act.
2. Constitute minimum practicable regulation to accomplish the City's legitimate purposes consistent with state and federal laws including Federal Communication Commission regulations pertaining to Amateur Radio Services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include, but are not limited to, preserving the public health, safety, and general welfare of the City and its residents.

b. As used in this section, the following terms shall have the indicated meanings:

Amateur Radio Service: A federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97).

Amateur Radio Antenna: Any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for Amateur Radio Services.

Amateur Radio Antenna Support Structure: Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting Amateur Radio Antenna(e).

Ground Mounted Amateur Radio Antenna Support Structure: Amateur Radio Antenna Support Structures that are not fixed to any building or accessory structure.

Roof Mounted Amateur Radio Antenna Support Structure: Amateur Radio Antenna Support Structures that are fixed to any building or accessory structure.

Overall Height: The total height of the Amateur Radio Antenna Support Structure as measured from mean grade to the highest point of the Antenna Support Structure. For Roof Mounted Antenna Support Structures, the mean grade is measured from the established grade adjoining the exterior walls of the structure upon which the antenna or support structure is affixed. For Ground Mounted Antenna Support Structures, the mean grade is measured at the established grade adjoining such antenna and/or support structure.

c. Amateur Radio Antenna and Amateur Radio Antenna Support Structures are permitted by right, with a zoning permit, in all zoning districts subject to the following regulations:

1. No Amateur Radio Antenna Support Structure shall be taller than 60 feet in height.

2. No Roof Mounted Amateur Radio Antenna Support Structure shall be fixed to the side of a structure that faces a public street(s).
 3. Ground Mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall not be allowed in the front yard or a side yard facing a street.
 4. Ground Mounted Radio Antenna and Amateur Radio Support Structures shall have a minimum setback equal to one-third (1/3) its height to any property line.
 5. No more than one (1) Amateur Radio Antenna Support Structures shall be permitted on a single lot or parcel of land.
 6. No Amateur Radio Antenna and Amateur Radio Support Structure shall be used for co-location of commercial antennas.
 7. Climbable Ground Mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be completely enclosed by a fence at least 5 feet tall and no taller than 6 feet tall or shall have appropriate anti-climb devices attached up to a height of five (5) feet or more.
 8. Submittal of manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject. In the event of unavailable manufacturing specifications, certification by a licensed professional engineer must be filed with the City confirming the structural stability and soundness of the antenna and/or support structure.
- d. If any of the standards contained in section c. above cannot be met or maintained, a site plan approval shall be required by the Planning Commission. In considering whether or not a site plan shall be approved, the Planning Commission shall consider the following standards:
1. Structural Ability and Soundness: The applicant shall demonstrate structural stability and soundness of the proposed Amateur Radio Support Structure. This can be achieved through either of the following:
 - i. Providing a copy of the manufacturer's specification on assembly, construction and erection, and a certification that such a specification has been followed.
 - ii. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed Amateur Radio Support Structures.
 2. Location: The proposed Amateur Radio Support Structures shall be so located and installed as to be safe and to create minimum impact to the surrounding properties.
 3. Height: The applicant shall demonstrate the need for the proposed Amateur Radio Support Structure to exceed 60 feet in height. This can be accomplished by providing information regarding the topography of the subject property or other information that would affect the operation of the Amateur Radio Service.
- e. All Amateur Radio Antenna and Amateur Radio Antenna Support Structure shall meet all applicable State Building Code requirements.
- f. In the event, the any part of the Amateur Radio Antenna and Amateur Radio Antenna Support Structure fall into disrepair, doesn't meet the requirements of this section, doesn't meet any other State or Federal Law or is no longer in use, the property owner shall be responsible for the removal, maintenance or replacement of the Amateur Radio Antenna and Amateur Radio Antenna Support Structure.



**2018
PLANNING
ANNUAL REPORT**

PLANNING COMMISSION:

1. Membership

MEMBER	TITLE	TERM EXPIRES
JANAE FEAR	Secretary	06-30-2021
FRANCIS LIVINGSTON	Vice Chair	06-30-2021
DANIEL LAW	Council Rep	11-09-2020
BRAD KIRKLAND		06-30-2020
WILLIAM WASCHER	Chair	06-30-2021
THOMAS TAYLOR		06-30-2020
TARA JENKINS		06-30-2019
JAKE ADAMS		06-30-2019
MATT LAFFERTY		06-30-2019

2. Attendance

	Wascher	Adams	Fear	Collison	Cook	Law	Livingston	Taylor	Kirkland	Lafferty	Jenkins
Jan	X	X	X				X	X	X		
Feb	X	X	X			X	X				X
Mar	X	X					X	X	X		
Apr		X	X			X	X	X	X		X
May	X	X	X			X	X	X	X		X
Jun	No Meeting										
Jul	No Meeting										
Aug	X	X	X			X	X	X	X	X	
Sept	No Meeting										
Oct	X		X				X	X	X	X	
Nov	X	X	X			X		X	X	X	X
Dec	X		X			X	X	X		X	X

X = present

3. Meetings

Planning Commission meetings are held the 4th Monday of each month, except as noted at 6:30 p.m.

Meeting Date	Agenda Items
January 22	<ul style="list-style-type: none"> 2017 Planning Commission Annual Report Discussion - Draft ordinance language for Medical Marihuana Facilities Licensing
February 26	<ul style="list-style-type: none"> ZBA request to review section 26-19 of the sign ordinance and consider returning to former five foot clearance from the right-of-way

	<ul style="list-style-type: none"> • Presentation by Paula Givens, attorney with Cannabis Legal Group • Discussion - Draft ordinance language for Medical Marihuana Facilities Licensing
March 26	<ul style="list-style-type: none"> • Public Hearing - Sign ordinance amendment, section 26-19 • Discussion - Draft ordinance language for Medical Marihuana Facilities Licensing
April 23	<ul style="list-style-type: none"> • Discussion - Draft ordinance language for Medical Marihuana Facilities Licensing • Discussion - Master Plan Update
May 29	<ul style="list-style-type: none"> • Public Hearing - Medical Marihuana Ordinance
June 25	Canceled due to lack of agenda items
July 23	Canceled due to lack of agenda items
August 27	<ul style="list-style-type: none"> • Site Plan – Dave Wakeland is requesting site plan approval for a drive through pharmacy at 417 W. Main Street • Election of Officers • ZBA request to review and potentially revise of prohibition of pole signs. • ZBA request to review and potentially revise specific sign standards as it relates to business centers. • ZBA request to review and potentially create a section within the Sign section that details powers, duties and variance criteria.
September 24	Canceled due to lack of agenda items
October 22	<ul style="list-style-type: none"> • Review of Proposed Amendments to Chapter 26 – Sign Ordinance and provide edits • Appointment of Four Planning Commissioners to the Master Plan Subcommittee • Discussion of Sec 38-197 (11) (6), Sec 38-217(4), Sec 38-242 (9) (6), Sec 38-267 (10)(6), Sec 38-292 (11). Review of buffer zone requirements for provisioning centers • Discussion on Sec. 393 and 38-292 (4). Outdoor storage height and screening requirements
November 26	<ul style="list-style-type: none"> • Review of Proposed Amendments to Chapter 26 – Sign Ordinance - provided edits • Review of Proposed Amendments to Chapter 38 – Zoning Ordinance buffer zone requirements for medical marihuana businesses Sec 38-197, Sec 38-217, Sec 38-242, Sec 38-267, Sec 38-292 - provided edits • Review of Proposed Amendments to Chapter 38 – Zoning Ordinance industrial outdoor storage screening Sec. 38-292, Sec. 38-312, Sec. 38-393 and 38-389 - reviewed • Review of Proposed Amendments to Chapter 38 – Zoning Ordinance amateur radio antenna regulations Sec. 97-379 - reviewed • Appointment of a Fourth Planning Commissioners to the Master Plan Subcommittee
December 10	<ul style="list-style-type: none"> • Review of Proposed Amendments to Chapter 38 – Zoning Ordinance buffer zone requirements for medical marihuana businesses Sec 38-197, Sec 38-217, Sec 38-242, Sec 38-267, Sec 38-292 - set a public hearing for January meeting • Review of Proposed Amendments to Chapter 38 – Zoning Ordinance industrial outdoor storage screening Sec. 38-292, Sec. 38-312, Sec. 38-393 and 38-389 –

	<p>set a public hearing for January meeting</p> <ul style="list-style-type: none"> • Review of Proposed Amendments to Chapter 38 – Zoning Ordinance amateur radio antenna regulations Sec. 38-379 -provided edits and set a public hearing for January meeting • Planning Commission discussion and possible recommendation to City Council on a Recreational Marijuana Facility Moratorium – this agenda item was motioned by City Council – recommended moratorium
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3. Master Plan Review

At their meeting August 6th, 2018, the Owosso City Council approved the professional service agreement for the Master Plan Update between the City and CIB Planning, Inc. of Fenton, Michigan.

The following 4 members of Planning Commission were appointed to the Master Plan Subcommittee:

JANAE FEAR
FRANCIS LIVINGSTON
THOMAS TAYLOR
JAKE ADAMS

The Master Plan kick off meeting was held on Wednesday, October 24th. The consultants and the City Manager, Assistance City Manager and Main Street Manager met to discuss the process and held a tour of the City. The Master Plan Subcommittee later joined the conversation which included discussing the process, current city vision statement, city priorities, public engagement, and identifying priorities on a city map.

City Staff has some goal setting work to do with various Boards and hopes to work with the consultants to kick off focus group meetings in February.

4. Zoning Ordinance Amendments

a. Zoning ordinance:

Section	Amendment/Addition	Status
Section 16.5 Section 38-5 Section 38-217 Section 38-242 Section 38-267	Amendment – Medical marihuana	Approved

Section 38-292		
Section 26-19	Amendment - Sign ordinance five foot clearance from the right-of-way	Approved
Chapter 26	Amendments to sign ordinance	Next Step Public Hearing
Section 38-197 Section 38-217 Section 38-242 Section 38-267 Section 38-292	Amendments to buffer zone requirements for medical marihuana businesses	Next Step Public Hearing
Section 38-292 Section 38-312 Section 38-393 Section 38-389	Amendments industrial outdoor storage screening	Next Step Public Hearing
Section 38-379	Addition of amateur radio antenna regulations Sec. 38-379	Next Step Public Hearing

b. Rezoning Requests:

None requested in 2018

ZONING BOARD OF APPEALS

1. Membership:

MEMBER	TITLE	TERM EXPIRES
RANDY HORTON	Chair	6-20-2020
THOMAS TAYLOR	PC Representative	6-30-2021
CHRISTOPHER EVELETH	Vice Chair Council Representative	11-14-2022
KENT TELESZ		6-30-2019
MATTHEW GRUBB	Secretary	6-30-2021
JOHN HORVATH	Alternate	6-30-2019
VACANT	Alternate	

2. Attendance

	Horton	Eveleth	Taylor	Telesz	Jozwiak	Horvath	Grubb
Jan	No Meeting						
Feb	X	X			X	X	X
Mar	No Meeting						
Apr	No Meeting						
May	No Meeting						

Jun	X		X			X	
Jul	No Meeting						
Aug	X			X			X
Sept	X			X		X	X
Oct	X		X				X
Nov	No Meeting						
Dec	No Meeting						

X = present

3. Meetings:

Zoning Board of Appeals meetings are held the 3rd Tuesday of each month, except as noted at 9:30 a.m.

Meeting Date	Agenda Items
January 16	Canceled due to lack of agenda items
February 20	<ul style="list-style-type: none"> 640 N. Shiawassee Street is seeking a dimensional variance to waive the setback requirement of 10' from the right-of-way in order to install a new sign on the existing pole and foundation - Approved
March 20	Canceled due to lack of agenda items
April 17	Canceled due to lack of agenda items
May 15	Canceled due to lack of agenda items
June 19	<ul style="list-style-type: none"> 114 W. Main Street is appeal staff decision that LED lights are signage – ZBA decision LED lights were not signage
July 17	Canceled due to lack of agenda items
August 21	<ul style="list-style-type: none"> 427 W. Main Street is seeking a variance from Article XII. B-4 General Business Districts, Section 38-268, (4) b. which states Business in the character of a drive-in or open front store, subject to the following conditions: Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets. – Approved 503 S. Shiawassee Street is seeking a variance from Chapter 26 – Signs, Article IV. General Provisions, Sec. 26-18. - Prohibited signs which states the following signs are prohibited in all districts: (9) Pylon or pole signs not provided for in this chapter – Approved Interpretation requested of Sec. 26-21. - Specific sign standards. Footnotes to the Sign Dimensional Standards and Regulations Table (b). – Sent to Planning Commission
September 18	<ul style="list-style-type: none"> 804 W. Oliver Street seeking variances from Sec. 38-379 (1) where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to main building. Section 38-351 states that a structure within the R-1 zoning district shall have a minimum side yard setback of 8 feet, a minimum rear yard setback of 35 feet and maximum lot coverage of 25% - All Approved 215 Oakwood Ave seeking variances from Section 38-393 (3) states that fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least nineteen (19) feet back from the right-of-way line or follows the

	<p>building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks and (2) states front yard fences or hedges must be less than fifty (50) percent solid, impervious, or of an obscuring nature above a height of thirty (30) inches above the curb or centerline of the street, and not exceed four (4) feet in total height. – All Approved</p> <ul style="list-style-type: none"> • 620 Lee Street seeking variances from Sec. 38-379 (4) states no detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. - Approved
October 16	<ul style="list-style-type: none"> • Baker College seeking multiple variances for signage – All Approved
November 20	Canceled due to lack of agenda items
December 18	Canceled due to lack of agenda items

TRAINING

- City Staff attended the Michigan Association of Planning conference
- Assistance City Manager attended a MEDC Pro-forma Training
- Assistance City Manager completed the RRC Best Practices online training
- MSU Extension – Restrictions on Zoning Authority document was provided to PC members in December 2018

JOINT MEETINGS

None held in 2018

REDEVELOPMENT READY COMMUNITIES:

Criteria	Report of Findings August 1, 2017	Progress Report October 1, 2018*	
Best Practice 1.1: The Plans			
The governing body has adopted a master plan in the past five years.	N	N	Currently working on
The governing body has adopted a downtown plan.	N	N	Currently working on
The governing body has adopted a corridor plan.			
The governing body has adopted a capital improvements plan.	N	N	Will January 2019

Best Practice 1.2: Public Participation

The community has a public participation plan for engaging a diverse set of community stakeholders.	N	Y
The community demonstrates that public participation efforts go beyond the basic methods.	Y	Y
The community shares outcomes of public participation processes.	N	Y

Best Practice 2.1: Zoning Regulations

The governing body has adopted a zoning ordinance that aligns with the goals of the current master plan.	N	N	Will occur after MP update
The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.	N	N	Will occur after MP update
The zoning ordinance includes flexible zoning tools to encourage development and redevelopment.	Y	Y	
The zoning ordinance allows for a variety of housing options.	Y	Y	
The zoning ordinance includes standards to improve non - motorized transportation.	N	N	Will occur after MP update
The zoning ordinance includes flexible parking requirements.	N	N	Will occur after MP update
The zoning ordinance includes standards for green infrastructure.	N	N	Will occur after MP update
The zoning ordinance is user - friendly.	N	N	Will occur after MP update

Best Practice 3.1: Development Review Policy and Procedures

The zoning ordinance articulates a thorough site plan review process.	Y	Y	
The community has a qualified intake professional.	Y	Y	
The community defines and offers conceptual site plan review meetings for applicants.	N	N	Completed and on website

The community encourages a developer to seek input from neighboring residents and businesses at the onset of the application process.	N	Y
The appropriate departments engage in joint site plan reviews.	Y	Y
The community has a clearly documented internal staff review policy.	N	N
The community promptly acts on development requests.	N	N
The community has a method to track development projects.	N	N
The community annually reviews the successes and challenges with the site plan review and approval procedures.	N	N

Implemented BS&A tracking
Implemented BS&A tracking
Implemented BS&A tracking

Best Practice 3.2: Guide to Development

The community maintains an online guide to development that explains policies, procedures and steps to obtain approvals.	N	N
The community annually reviews the fee schedule.	N	Y

Completed and on website
Completed and on website

Best Practice 4.1: Recruitment and Orientation

The community sets expectations for board and commission positions.	N	N
The community provides orientation packets to all appointed and elected members of development related boards and commissions.	N	N

Currently working on
Will work on after Board expectations

Best Practice 4.2: Education and Training

The community has a dedicated source of funding for training.	Y	Y
The community identifies training needs and tracks attendance of the governing body, boards, commissions and	N	N

staff.		
The community encourages the governing body, boards, commissions and staff to attend trainings.	Y	Y
The community shares information between the governing body, boards, commissions and staff.	N	N

**Best Practice 5.1:
Redevelopment Ready Sites**

The community identifies and prioritizes redevelopment sites.	N	N
The community gathers preliminary background information for prioritized redevelopment sites.	N	N
The community has developed a vision for the priority redevelopment sites.	N	N
The community identifies available resources and incentives for prioritized redevelopment sites.	N	N
A property information package for the prioritized redevelopment site(s) is assembled.	N	N
Prioritized redevelopment sites are actively marketed.	N	N

Will occur with MP update

**Best Practice 6.1: Economic
Development Strategy**

The community has approved an economic development strategy.	N	N
The community annually reviews the economic development strategy.	N	N

**Best Practice 6.2: Marketing
and Promotion**

The community has developed a marketing strategy.	N	N
The community has an updated, user -friendly municipal website.	N	N

*Status as of October Quarterly Review

Staff is actively working on items on the above list.