

**ORDINANCE NO. 793**  
**CHAPTER 16.5, MEDICAL MARIHUANA FACILITIES LICENSING-POLICE POWER ORDINANCE**  
**CHAPTER, 38, ZONING**

**Ordinance Amendments – Chapter 16.5, Medical Marihuana Facilities Licensing-Police Power Ordinance & Chapter 38, Zoning**

The proposed amendment would authorize and regulate medical marihuana related facilities within the City.

A public hearing was conducted to receive citizen comment on the proposal to add Chapter 16.5, Medical Marihuana Facilities Licensing – Police Power Ordinance, and amend various sections of Chapter 38, Zoning, of the Code of Ordinances of City of Owosso.

City Manager Nathan R. Henne, Councilmember Law, Planning Commission Vice Chairman Frank Livingston, and Planning Commission Secretary Janae Fear gave an overview of the proposed ordinances and detailed the process the Planning Commission used to develop them.

Councilmember Bailey arrives at 7:37 p.m.

The following people commented regarding the proposed amendment:

Tom Manke, Owosso Township resident, asked if recreational marijuana becomes legal in November via citizen initiative will all the work done to date on medical marihuana be for nothing.

Mike Cline, 204 Stratford Drive, asked why someone would have to pay \$5,000 just to open a business in the City. He said he had never heard of paying to get into a lottery and wondered what the City would do with the money.

Mayor Eveleth responded to Mr. Cline saying that State law defines a medical marihuana based business as something completely different from other businesses. He also said that it's not unusual for there to be a cost to open a new business. He went on to address Mr. Manke's question regarding the ballot measure in November admitting that he himself had the same question. He asked how the laws on medical marihuana and recreational marihuana would intersect and suggested tabling the matter before the Council this evening to wait until after the results of the November election are known.

Mayor Pro-Tem Osika expressed a desire to move forward saying medical marihuana and recreational marihuana are two separate issues.

Councilmember Law said the Planning Commission had put forward a good framework from which to regulate both medical marihuana and recreational marihuana, if it's approved in November.

There was discussion regarding potential additional law enforcement costs, the stipend the City will receive from the State to assist with medical marihuana related costs, and focusing efforts on the situation at hand and not on the unknown.

Councilmember Fox said his biggest concern is about who will regulate the doctors that will determine who needs medical marihuana. He said he felt medical marihuana is overprescribed and the system is already being abused.

Councilmember Fox made a motion the proposed ordinance be postponed until the meeting of July 30<sup>th</sup> to allow for revisions.

There was a brief discussion regarding whether the Council had the authority to regulate who prescribes medical marihuana. City Attorney Scott J. Gould noted they did not.

The motion dies for lack of support.

Sensing a desire to move forward City Manager Henne indicated there were a few changes to the proposal that were being recommended by staff:

- Making the 200' rule hard and fast, removing the possibility of a waiver
- Increasing the 14-day processing window to 20 days
- Indicate the City Clerk as the official recipient of applications and the Building Department as responsible for the actual licensing

Motion by Mayor Pro-Tem Osika to adopt the proposed ordinances with the staff revisions.

Motion supported by Councilmember Teich.

Discussion continued regarding the manner for measuring the buffer zones, the effect of the ordinances on downtown and Westown residents, and how the number of provisioning centers was determined.

There was a call for the motion on the floor by Mayor Pro-Tem Osika.

Roll Call Vote.

AYES: Councilmember Greenway, Mayor Pro-Tem Osika, Councilmembers Teich, Law, and Mayor Eveleth.

NAYS: Councilmembers Bailey and Fox.

Whereas, the Council, after due and legal notice, has met and having heard all interested parties, motion by Mayor Pro-Tem Osika that the following ordinance be adopted:

**ORDINANCE NO. 793**

**TO ADD CHAPTER 16.5, MEDICAL MARIHUANA FACILITIES LICENSING-POLICE POWER ORDINANCE,  
AND AMEND VARIOUS SECTIONS OF CHAPTER 38, ZONING,  
OF THE CODE OF THE CITY OF OWOSSO  
TO AUTHORIZE AND REGULATE MEDICAL MARIHUANA RELATED FACILITIES**

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that “[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility”; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...” and

WHEREAS, the Owosso Planning Commission has spent considerable time examining PA 281 of 2016, gathering feedback from the community, listening to experts, and learning from other municipalities so as to develop an informed recommendation to City Council; and

WHEREAS, the Planning Commission held a public hearing on May 29, 2018 at its regularly scheduled meeting regarding the proposal to add Chapter 16.5, Medical Marihuana Facilities Licensing-Police Power Ordinance, and amend various sections of Chapter 38, Zoning, in which no citizen comments were voiced or received; and

WHEREAS, having concluded its efforts to vet the options presented by the new law the Planning Commission recommends the City authorize the operation of all of the five types of medical marihuana facilities authorized by PA 281 of 2016 within the City limits; and

WHEREAS, the Planning Commission and City staff recommend adoption of the following amendments to the Code of the City of Owosso to govern the operation of medical marihuana related facilities; and

WHEREAS, the City Council held a public hearing on the request November 6, 2017, heard all interested persons, and deliberated on the request.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS:

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. 16.5-1. - 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) All medical marihuana facility license holders 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.

**Sec. 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.

*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.

*License*: A permit authorized by the City of Owosso conveying authority to an entity or person, to own and operate a business related to and regulated by the Michigan Medical Marihuana Facilities Licensing Act.

*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.

*Person* means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

*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.

*Provisional License*: A document endorsed by the City of Owosso which only recognizes that an entity or person has submitted a valid application to the City seeking to own and operate a business related to and regulated by the Michigan Medical Marihuana Facilities Licensing Act. A provisional License grants no authority to possess, sell, market or deal marihuana in any fashion, whether for retail, trade, personal and/or patient medical use.

*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.

*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. 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 of implementation 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 Council.
- (d) The first four provisioning center licenses shall be awarded via lottery. An application fee of \$5,000 shall be paid in full at the time the application is submitted. The first round of applications shall be accepted for a 30 day calendar period, to be determined by city council. All names of applicants will be entered into a drawing the day 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. If all licenses are not awarded in the first round, a second round of applications may be accepted at a later date as determined by city council.
- (e) Should a provisioning center license be vacated or revoked, the city will hold a lottery to award the license to another applicant. The process shall mimic the steps outlined above but would be limited to the number of vacated or revoked license(s) available.

**Sec. 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, and state law.
- (b) The License requirement in this chapter applies to all facilities whether operated for profit or not for profit.
- (c) Every applicant for a license to operate a marihuana facility shall file an application in the building department office upon a form provided by the city of Owosso.
- (d) Applications to operate any marihuana facility shall include a photocopy of the "State of Michigan Prequalification Status Letter." Any application delivered to the City without the aforementioned Prequalification Status Letter will be deemed incomplete and shall be rejected. Any delay due to the filing of an incomplete application shall be deemed the fault of the applicant and not the City.
- (e) Upon an applicant's completion of said form and furnishing of all required information and documentation, city staff shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The city staff shall act to approve or deny an application not later than twenty (20) days from the date the application was accepted. If approved, the building department shall issue the applicant a provisional license.
- (f) Applicant's receipt of a provisional license from the City shall provide for reasonable time, but not more than eight (8) months, to secure any and all subsequent and/or collateral permits as required by the State of Michigan and/or City of Owosso. Any applicant with a Provisional License that has not completed every task as required by the State of Michigan and/or the City of Owosso, within eight (8) months after receipt of the Provisional License from the City will result in revocation of applicant's City issued Provisional License and denial of License.

- (1) An extension of time may be granted upon applicant's written request and showing of good cause for delay. A request for an extension of time shall also include the estimated time to remedy the delay. Any extension of time shall be at the sole discretion of the City.
- (g) Within twenty (20) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, city staff shall approve or deny the marihuana facility license. The building department shall issue marihuana facility licenses in order of the sequential application number previously assigned.
- (h) 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.
- (i) A marihuana facility license issued under this ordinance is not transferable.
- (j) If the application is for a grower's license, the maximum number of plants that the applicant intends to grow will be included with the application.

**Sec. 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 an application 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.

**Sec. 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.

**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.

**Sec. 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.

SECTION 2. AMENDMENT 38-5. That Sec. 38-5. Definitions, of the Owosso City Code be amended to read:

**Sec. 38-5. - Definitions.**

*Accessory building.* A building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

*Accessory use, or accessory.* A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers.
- (2) Swimming pools for the use of the occupants of a residence or their guests.
- (3) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations.
- (8) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (11) Satellite receiving antennae: An apparatus capable of receiving communications from a transmitter relay located in planetary orbit.
- (12) Usable satellite signal: A satellite signal which when received on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

*Adult foster care facility.* A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Beginning March 27, 1984, adult foster care facility shall include home for the aged.

*Adult foster care small group home.* An adult foster care facility with the approved capacity to receive at least seven (7) but not more than twelve (12) adults shall be provided with foster care.

*Alley.* Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

*Alterations.* Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

*Apartment.* A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

*Auto repair station.* A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

*Basement.* That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

*Bed and breakfast operations.* A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

*Block.* The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

*Building.* Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels or property of any kind.

*Building height.* The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

*Building line.* A line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line. See Article XVIII for porches and horizontal projections such as eaves and bay windows.

*Child or adult care center.* A facility other than a private home where one (1) or more persons are received for care and supervision for periods of less than twenty-four (24) hours a day and for four (4) weeks during a calendar year.

*Club.* An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

*Convalescent or nursing home.* A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

*Drive-in.* A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

*Dwelling unit.* A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

*Dwelling, one-family.* A building designed exclusively for and occupied by one (1) family.

*Dwelling, two-family.* A building designed exclusively for occupancy by two (2) families living independently of each other.

*Dwelling, multiple-family.* A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

*Development.* The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

*District.* A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

*Erected.* Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

*Essential services.* The erection, construction, alteration or maintenance by public utilities or city departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or city departments for the general health, safety or welfare.

*Excavation.* Any breaking of ground, except common household gardening and ground care.

*Family.* One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

*Family day care home.* A private home in which one (1) to six (6) children are received for care and supervision for periods of less than twenty-four (24) hours a day and for more than four (4) weeks during a calendar year.

*Farm.* The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

*Floor area, residential.* For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of such story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

*Floor area, usable.* (For the purposes of computing parking.) That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for the utilities or sanitary facilities, shall be excluded from this computation of "usable floor area": Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

*Floor area ratio.* A volume control wherein a building ratio of 1.0 means that the floor area may equal the lot area. An F.A.R. of 5.0 means that the floor area may be up to five (5) times as large as the lot area: and an F.A.R. of 0.5 means that the floor area shall be no more than one-half of the lot area.

*Foster family group home.* A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

*Foster family home.* A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

*Garage, private.* An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

*Garage, service.* Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

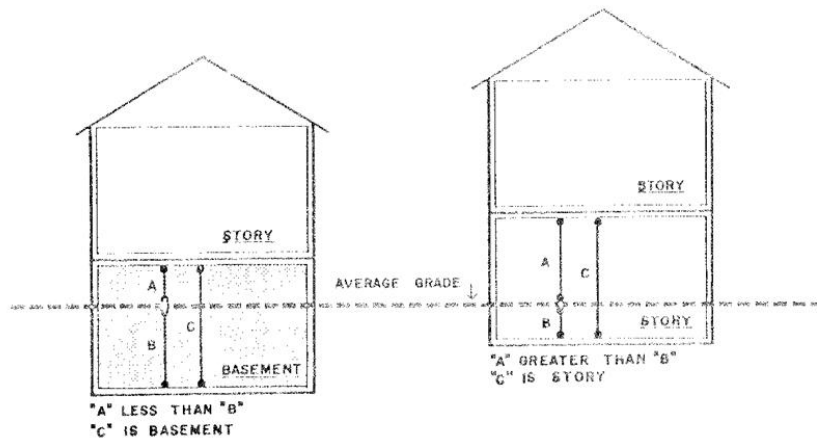
*Gasoline service station.* A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

*Grade.* The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

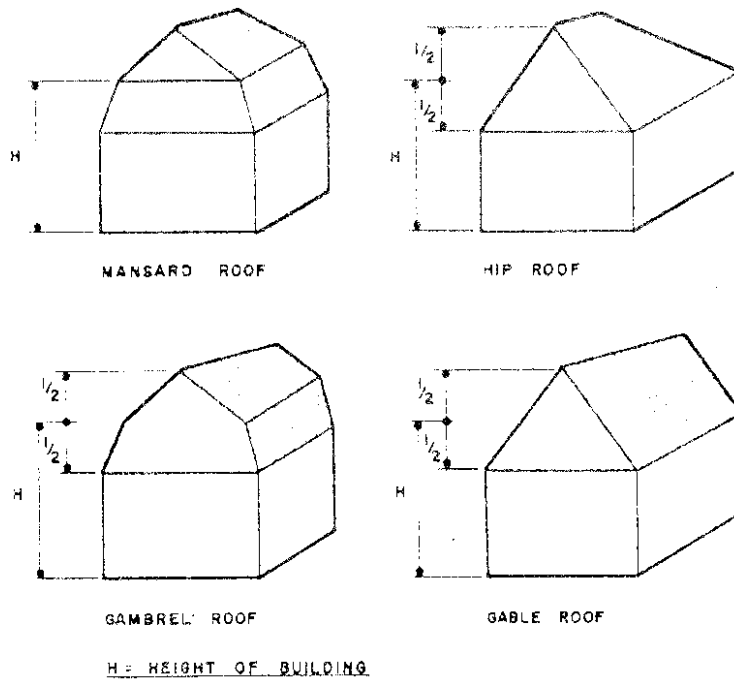
*Group day care home.* A private home where seven (7) to twelve (12) children are received for care and supervision for periods of less than twenty-four (24) hours a day and for more than four (4) weeks during a calendar year.

*Grower.* A licensee that is a commercial entity doing business in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

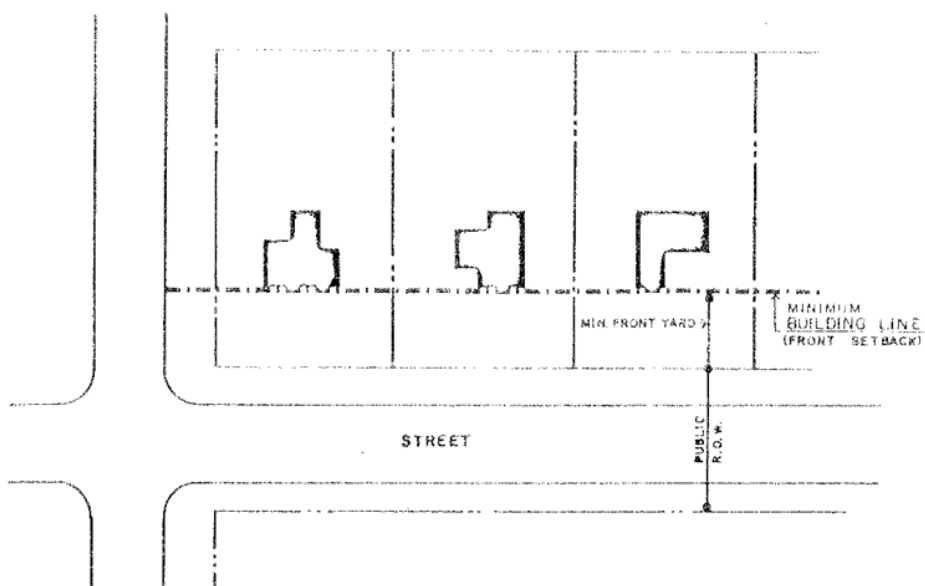




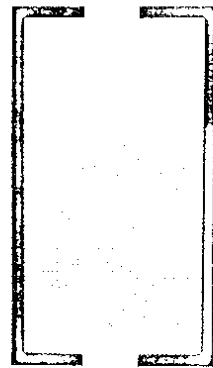
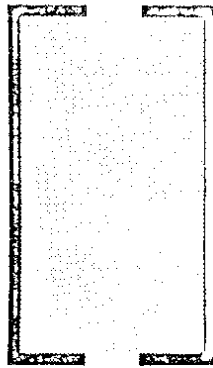
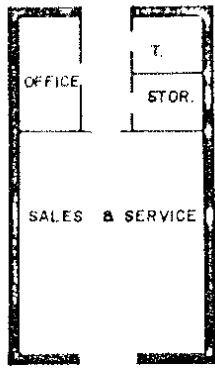
**BASEMENT & STORY**



**BUILDING HEIGHT**



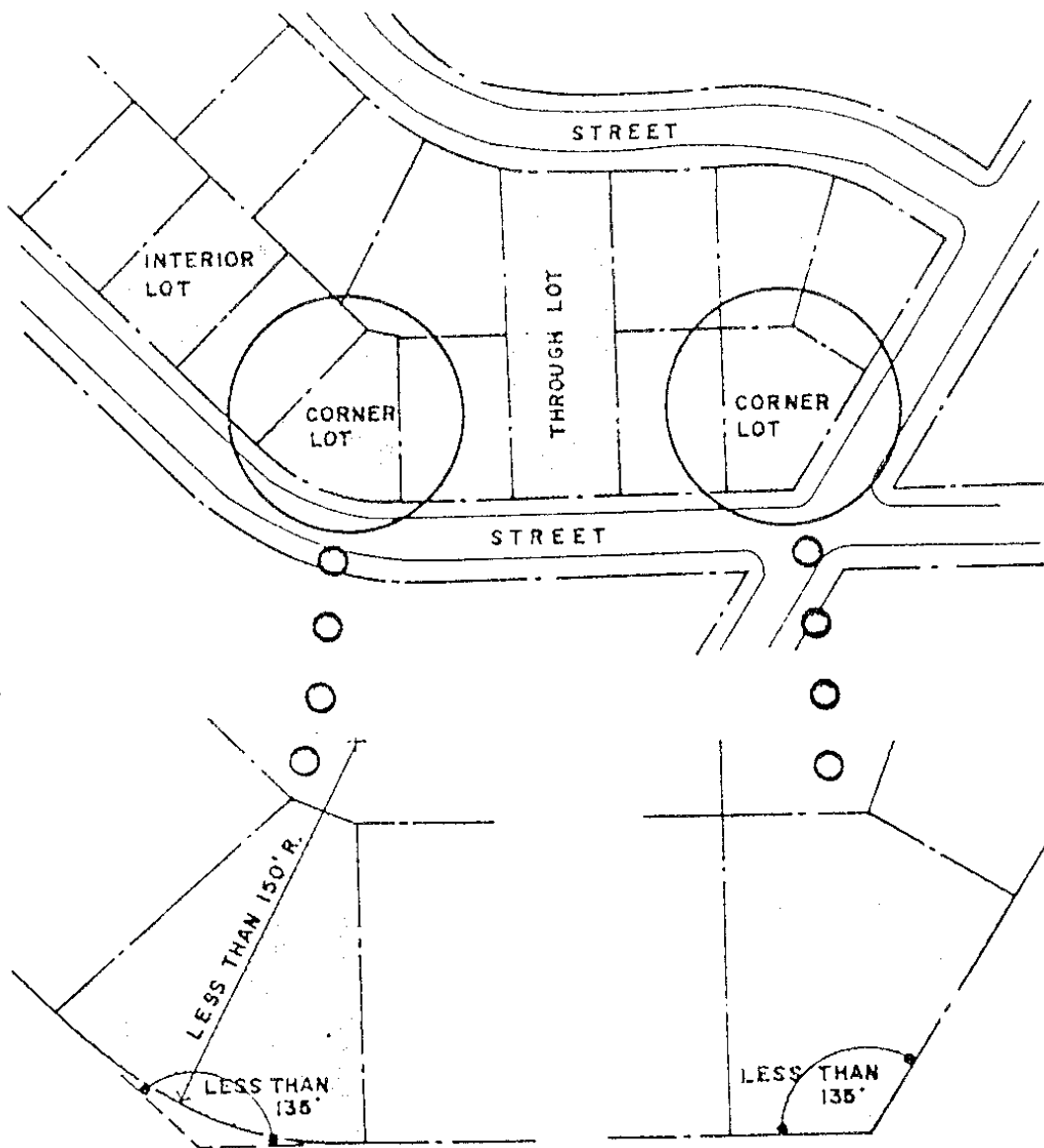
**BUILDING LINE**



TOTAL FLOOR AREA

USABLE FLOOR AREA  
(FOR PURPOSES OF COMPUTING PARKING)

FLOOR AREA



INTERIOR, THROUGH & CORNER LOTS

*Hotel.* A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: Mail service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

*Junkyard.* An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: Scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

*Kenel, commercial.* Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

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

*Loading space.* An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Local street.* A street that provides frontage and access residential lots but also carries some through traffic to lower ordered cul-de-sac streets and lanes.

*Lot.* A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

*Lot, corner.* A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty-five (135) degrees.

*Lot, interior.* Any lot other than a corner lot.

*Lot, through.* Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

*Lot, zoning.* A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

*Lot area.* The total horizontal area within the lot lines of the lot.

*Lot coverage.* The part or percent of the lot occupied by buildings including accessory buildings.

*Lot depth.* The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

*Lot lines.* The lines bounding a lot as defined herein:

- (1) Front Lot Line. In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street. In the case of a corner lot, is that line as designated on the building plans filed for approval with the Building Inspector.
- (2) Rear Lot Line. That lot line opposite the front lot line. In the case of lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- (3) Side Lot Line. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot of record.* A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

*Lot width.* The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

*Main building.* A building in which is conducted the principal use of the lot upon which it is situated.

*Major thoroughfare.* An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

*Marijuana or marihuana.* 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.* 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.

*Master plan.* The comprehensive community plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the council.

*Medical marihuana dispensary (or clinic)* means any retail store, store front, office building or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis, any product containing marihuana or cannabis, or medical marihuana paraphernalia as described herein. This definition does not apply to patients or caregivers operating pursuant to [subsection] 38-52(9).

*Medical marihuana growing facility* means any building, or portion thereof, that allows cultivation, growing, processing or distribution of medical marihuana, excluding the cultivation, growing or processing allowed inside a qualifying patient's primary, legal residence.

*Mezzanine.* An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

*Mobile home (trailer coach).* Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

*Mobile home park (trailer court).* Any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes are located.

*Motel.* A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

*Nonconforming building.* A building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter was derived (December 6, 1970), or amendments thereto, and that does not conform to the provisions of the chapter in the district in which it is located.

*Nonconforming use.* A use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter was derived (December 6, 1970), or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

*Nursery, plant materials.* A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

*Nuisance factors.* An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a

human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;
- (15) Invasion of nonabutting street frontage by traffic.

*Off-street parking lot.* A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

*Open front store.* A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

*Outdoor production.* 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.

*Parking space.* An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

*Plaza.* An open area accessible to the public which is either:

- (1) An open area along the front lot line not less than five (5) feet deep, measured perpendicular to the front lot line; or
- (2) An open area on a through lot, extending from street to street and not less than forty (40) feet wide. Such plaza shall not at any point be more than five (5) feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level up, except for covered pedestrian walks.

*Principal use.* The main use to which the premises are developed and the principal purpose for which the premises exist.

*Processor.* A licensee that is a commercial entity doing business 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.* A licensee that is a commercial entity doing business 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.

*Public utility.* A person, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or city regulations to the public: Gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

*Room.* For the purpose of determining lot area requirements and density in a multi-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

*Safety compliance facility.* 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.

*Secondary thoroughfare.* A principal artery within residential or commercial areas that carries relatively high traffic volumes and connects lower ordered streets with major thoroughfares. Its primary function is to promote the free flow of traffic.

*Secure transporter.* A licensee that is a commercial entity doing business in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

*Setback.* The distance required to obtain minimum front, side or rear yard open space provisions of this chapter.

*Shadow flicker.* The moving shadow, created by the sun or other permanent light source shining through the rotating blades of a wind energy system (WES). The amount or degree of shadow flicker is calculated and quantified by computer models.

*Sign.* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purposes of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

*Small structure-mounted wind energy system (SSWES).* A structure-mounted small wind energy system that converts wind energy into electricity by using equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformers, vane, wire, inverter, batteries, or other components ancillary to such use in the system. This structure [is] an accessory building that is permanently affixed to a structure's roof, walls, or other elevated surface. The SSWES does not exceed ten (10) kilowatts or fifteen (15) [feet] in height as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances.

*Small tower-mounted wind energy system (STWES).* A tower-mounted small wind energy system that converts wind energy into electricity by using equipment that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformers, vane, wire, inverter, batteries, or other components ancillary to such use in the system. The SWES is an accessory building that does not exceed fifty (50) kilowatts or one hundred twenty (120) feet.

*Small wind energy system (SWES)* represent all SSWES and STWES systems.

*Smoking lounge* shall mean an establishment, which has a state-issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term "smoking lounge" includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah cafes and lounges, tobacco bars and lounges, tobacco clubs or zero (0) percent nicotine establishments.

*Story.* That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

*Story, half.* An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this chapter, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

*Street.* A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

*Structure.* Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

*Temporary structure.* Any structure erected for the purpose of temporarily housing displaced persons or permitting occupancy for construction related functions related to an ongoing construction or building project.

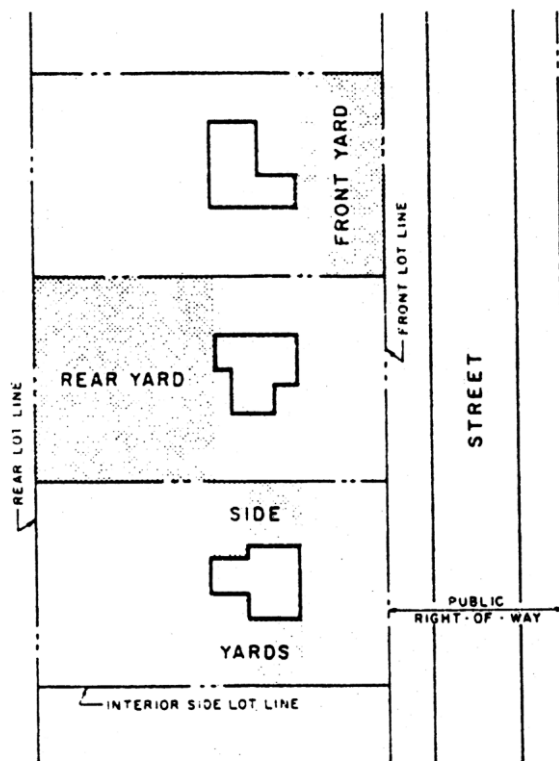
*Temporary use.* Any use, event, or display of a temporary, seasonal, or portable nature that is customary and incidental to the primary permitted use, providing that such use is not otherwise regulated or permitted by this article or a valid site plan.

*Use.* The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

*Wall.* A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

**Yards.** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter (see sections 38-418 and 38-419) and as defined herein:

- (1) *Front yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) *Rear yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard.* An open space between the main building and the side lot line, extending from the front yard to the rear, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



SECTION 3. AMENDMENT 38-197. That Sec. 38-197. Principal uses permitted. of the Owosso City Code be amended to read:

**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:

- (1) Generally recognized retail businesses which supply commodities on the premises, such as but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware;
- (2) Personal service establishments which perform services on the premises, such as but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, photographic or interior decorating studios and self-service laundries and drycleaners;
- (3) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales;
- (4) Dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited;
- (5) Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices, and real estate offices;
- (6) Professional services including the following: offices of doctors, dentists, osteopaths and similar or allied professions, including clinics;
- (7) Off-street parking;
- (8) Other uses similar to the above uses;

- (9) Accessory structures and uses customarily incident to the above permitted uses;
- (10) Residential structures existing as of January 1, 2012.
- (11) A marijuana provisioning center as authorized by the city of Owosso's Medical Marijuana Facilities Licensing - Police Power Ordinance, Chapter 16.5.

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 marijuana, 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. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed inside or outside of 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: 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.
  - ii. A provisioning center may not be located within 100 feet of a residentially zoned property.
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.

SECTION 4. AMENDMENT 38-217. That Sec. 38-217. Principal uses permitted, of the Owosso City Code be amended to read:

**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:

- (1) Any retail business or service establishment permitted in B-1 districts as principal uses permitted;
- (2) All retail business, service establishments or processing uses as follows:
  - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
  - b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct;
  - c. Private clubs, fraternal organizations and lodge halls;
  - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in;
  - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
  - f. Business schools and colleges or private schools operated for profit;
  - g. Other uses similar to the above uses;
  - h. Accessory structures and uses customarily incident to the above permitted uses.
  - 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 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: 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.

- ii. A provisioning center may not be located within 100 feet of a residentially zoned property.
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.

SECTION 5. AMENDMENT 38-242. That Sec. 38-242. Principal uses permitted, of the Owosso City Code be amended to read:

**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:

- (1) Any retail business or service establishment permitted in the B-2 district as principal uses permitted;
- (2) Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its product or merchandise, and provided that, the ground floor premises facing upon, and visible from, any abutting street shall be used only for entrances, offices, or display. All storage of materials of any kind shall be within the confines of the building or part thereof occupied by said establishment;
- (3) Newspaper offices and printing plants;
- (4) Storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment;
- (5) Hotels;
- (6) Other uses similar to the above uses;
- (7) Accessory structures and uses customarily incident to the above permitted uses;
- (8) Residential structures existing as of January 1, 2012.
- (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:
    - 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: 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.
  - ii. A provisioning center may not be located within 100 feet of a residentially zoned property.
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.

SECTION 6. AMENDMENT 38-267. That Sec. 38-267. Principal uses permitted, of the Owosso City Code be amended to read:

**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:

- (1) Any retail business or service establishment permitted in the B-1, B-2 and B-3 districts as principal uses permitted;
- (2) Mortuary establishments subject to the conditions of section 38-173;
- (3) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, or other commercial recreation operation when completely enclosed in a building;
- (4) New and used motor vehicle salesroom, showroom, or office;
- (5) Public utility offices, exchanges, transformer stations and substations, pump stations but not including outdoor storage;
- (6) Establishments of plumbers, heating contractors, decorators and electricians or similar trades;
- (7) Other uses similar to the above uses;
- (8) Accessory structures and uses customarily incident to the above permitted uses;

- (9) Residential structures existing as of January 1, 2012.
- (10) A marijuana provisioning center as authorized by the city of Owosso's Medical Marijuana 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 marijuana, 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. Marijuana 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: 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.
      - ii. A provisioning center may not be located within 100 feet of a residentially zoned property.
    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.

SECTION 7. AMENDMENT 38-292. That Sec. 38-292. Principal uses permitted, of the Owosso City Code be amended to read:

**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:

- (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 section 38-289. 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, 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 wall or fence 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 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*.
- (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 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.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 9. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 10. EFFECTIVE DATE. This amendment shall become effective July 23, 2018.

Motion supported by Councilmember Teich.

Roll Call Vote.

AYES: Councilmember Law, Mayor Pro-Tem Osika, Councilmembers Greenway, Teich, and Mayor Eveleth.

NAYS: Councilmembers Bailey and Fox.

*I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of July 2, 2018.*

  
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Amy K. Kirkland, City Clerk