



MEMORANDUM

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DATE: March 29, 2022

TO: Mayor Eveleth and the Owosso City Council

FROM: Tanya Buckelew, Planning & Building Director

SUBJECT: Zoning Ordinance Amendment – Elimination of Greenhouses from the I-1 Light Industrial District

RECOMMENDATION:

The Planning Commission recommends amending Chapter 38, Zoning, Article XIII, *I-1 Light Industrial Districts*, Sec. 38-292, Principal uses permitted, subsection (7) to remove “Greenhouses”, and subsection (12)b to remove “or greenhouse”.

BACKGROUND:

To avoid the potential for light pollution caused by marijuana grow greenhouses, an amendment to the Zoning Ordinance was presented to the Planning Commission.

On March 28, 2022 the Planning Commission held a public hearing, in which two City residents expressed their support for the amendment, and voted to recommend City Council approval of the ordinance amendment.

FISCAL IMPACTS:

None

RESOLUTION NO.

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR
THE PROPOSED AMENDMENT TO CHAPTER 38, ZONING,
FROM THE CODE OF THE CITY OF OWOSSO
TO REMOVE GREENHOUSES FROM USES PERMITTED IN I-1 ZONING**

WHEREAS, the Planning Commission of the City of Owosso, Shiawassee County, Michigan desires to avoid the potential for light pollution caused by marijuana grow greenhouses; and

WHEREAS, the term “greenhouses” would need to be removed from the Zoning Ordinance to effectuate this change; and

WHEREAS, the Planning Commission held a public hearing, on March 28, 2022 at its regularly scheduled meeting, to receive citizen comment regarding the proposed changes to sections of Chapter 38, Zoning, to remove greenhouses from the list of uses permitted in the I-1, Light Industrial District. Two citizens spoke, both in support of the proposed amendment; and

WHEREAS, the Planning Commission recommends approval of the proposed amendments to Chapter 38, Zoning; and

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

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

SECTION 1. AMENDMENT. That Chapter 38, Zoning, Article XIII, *I-1 Light Industrial Districts*, Sec. 38-292, Principal Uses Permitted, shall be amended as follows:

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 shall meet the requirements of section 38-389 or section 38-393;
 - 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 a solid wall or fence that meets the requirements of section 38-389 or section 38-393;
 - (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 marijuana provisioning center, grower, processor, safety compliance facility or secure transporter as authorized by the city's medical marijuana 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 marijuana 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 marijuana facilities license based on the finding that the provisions of the Medical Marijuana 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 marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, 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 marijuana facilities, unless otherwise specified, are as provided in chapter 26, signs.
 - (12) Marijuana growers, processors, safety compliance facilities or secure transporters as authorized by the city's medical marijuana facilities licensing—Police power authorizing ordinance 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, marijuana growing shall be located entirely within a fully enclosed, secure, indoor facility ~~or greenhouse~~ with rigid walls, a roof, and doors. Marijuana 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 marijuana 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 marijuana 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 marijuana 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 marijuana growing or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 2. Outdoor marijuana 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 marijuana growing or marijuana 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 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.

- g. *Buffer zones.* A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
1. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within two hundred (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 marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (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 marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the school building.
 2. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residentially zoned structure and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (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 marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the residentially zoned structure.
 3. A marijuana grower, processor, safety compliance facility, or secure transporter may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the marijuana grower, processor, safety compliance facility, or secure transporter must be measured along the center line of the street or streets of address between two (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 marijuana grower, processor, safety compliance facility, or secure transporter and from the part of the marijuana grower, processor, safety compliance facility, or secure transporter nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

SECTION 2. 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 3. PUBLIC HEARING. A public hearing is set for Monday, April 18, 2022 at 7:30 p.m. in the City Hall Council Chambers for the purpose of hearing citizen comment regarding the proposed amendments to Chapter 38, Zoning, of the Code of the City of Owosso.

SECTION 4. 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 5. EFFECTIVE DATE. This amendment shall become effective 20 days after approval.