



CITY OF OWOSSO PLANNING COMMISSION
Regular Meeting
Monday, September 27, 2021 at 6:30 p.m.
AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF AGENDA – September 27, 2021

E. APPROVAL OF MINUTES – July 26, 2021

F. ELECTION OF OFFICERS – if necessary

G. PUBLIC HEARINGS:

1. Rezoning Request – PREZ 2021-01 SUTTON - 715 S Washington Street
2. Rezoning Request – PREZ 2021-02 SUTTON - 703 S Washington Street
3. Rezoning Request – PREZ 2021-03 SUTTON - 702 S Park Street
4. Rezoning Request – PREZ 2021-04 SUTTON - 801 S Washington Street

H. SITE PLAN REVIEWS:

1. 403 State Street - Marihuana Grow Facility

I. ITEMS OF BUSINESS:

1. Review the number of allowed Medical and Adult Use Marihuana Establishments
2. Adult Use Marijuana Ordinance – Excess Growers

J. COMMISSIONER/CITIZEN COMMENTS:

K. ADJOURNMENT

Next regular meeting will be on Monday, October 25, 2021 at 6:30 p.m.

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

MINUTES
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION
Monday, July 26, 2021 – 6:30 P.M.

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

PLEDGE OF ALLEGIANCE: Recited

ROLL CALL: Planning & Building Director Tanya Buckelew

MEMBERS PRESENT: Chairman Wascher, Vice-Chair Livingston, Secretary Fear, Commissioners Jenkins, Law, Taylor

MEMBERS ABSENT: Commissioners Morris, Robertson, Yerian

OTHERS PRESENT: Justin Sprague, CIB Planning

APPROVAL OF AGENDA:

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY SECRETARY FEAR TO APPROVE THE AGENDA FOR July 26, 2021.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE May 24, 2021 MEETING.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARINGS: NONE

OLD BUSINESS: NONE

NEW BUSINESS: Site Plan Review – 1465 McMillan

Justin Sprague, CIB Planning, presented his review and recommendations regarding the proposed site plan to build a new marijuana grow facility at 1465 McMillan. The property is zoned I-1, Light Industrial, where this use is a permitted land use.

REVIEW COMMENTS:

- 1. Information items.** The site plan meets the informational requirements of the ordinance.
- 2. Area and Bulk.** The proposed site was reviewed in accordance with *Article 16, Schedule of Regulations*, as described in the following table.

	Required	Provided	Comments
Front Yard Building Setback	40 ft.	40 ft. and 65 ft.	In compliance
Side Yard Building Setback	20	40 ft. and 70+ ft.	In compliance
Rear Yard Building Setback	0 ft.	20 ft.	In compliance
Maximum Building Height	40 ft.	17 ft.	In compliance

- 3. Building Design & Materials.** The ordinance states that durable building materials which provide

an attractive, quality appearance must be utilized. **The proposed building materials are consistent with the City of Owosso Zoning Ordinance.**

4. Building Height. The proposed building complies with the maximum building height.

5. Mechanical Units. The Zoning Ordinance requires that all exterior mechanical equipment be screened. **The applicant is proposing to provide screening by planting arborvitae around all exterior mechanical equipment, which is an acceptable option instead of fencing. We would recommend as a condition of approval that all screening landscaping shall be up kept and in good condition, and that fencing could be required as a future option for screening if the landscaping material should not survive or does not provide enough screening.**

6. Dumpster. The proposed dumpster meets ordinance requirements.

7. Site Lighting. Proposed lighting is predominantly in compliance with the Zoning Ordinance. **As shown on the plan, the applicant has lighting that is not directed fully at the ground. The ordinance requires that all lighting should be directed to the ground and not on an angle.**

8. Parking Lot Requirements. This requirement has been met.

9. Landscaping. The landscaping plan is in compliance with the ordinance.

10. Other Approvals. The proposed site plan must be reviewed and approved by the appropriate city departments, consultants, and agencies.

The Applicant/Owner Gus Mansour, Attorney Randi Hermitz, Members and Planner were also present to discuss their project and answer any questions from the Planning Commissioners. They are aware of the recommended changes from both the City Planner and the City Engineer. These changes will be made to the site plan and implemented for the construction process.

Discussion was held regarding the detention basin and ensuring the City Engineer requirements are met. Odor control was discussed and the use of carbon filters.

MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE SITE PLAN REVIEW FOR 1465 MC MILLAN AVE CONDITIONED UPON THE FOLLOWING RECOMMENDATIONS AS PROVIDED BY JUSTIN SPRAGUE, CITY PLANNER:

- 1. Submission of a revised site plan that satisfactorily addresses the items in this letter, for administrative review and approval;**
- 2. That the use of landscaping (arborvitae) is acceptable for shielding mechanical equipment, but that fencing may be required if the landscaped shielding should be compromised in the future (should the screening not fully shield the equipment or should the landscaping material not survive);**
- 3. That all proposed lighting be directed at 90 degrees fixed toward the ground; and**
- 4. Review and approval by the appropriate city departments, consultants, and agencies.**

YEAS: SECRETARY FEAR, COMMISSIONERS JENKINS, LAW, VICE-CHAIR LIVINGSTON, COMMISSIONERS TAYLOR, CHAIRMAN WASCHER

NAYS: NONE

RCV Motion Carried

OTHER BOARD BUSINESS:

Justin Sprague stated the City is ready to proceed forward with a rewrite to the Zoning Ordinance since the Master Plan has been completed. He has submitted the proposal for City Manager review and Council approval. He is proposing a complete rewrite and asks the board members to submit any updates and suggestions.

PUBLIC COMMENTS AND COMMUNICATIONS: NONE

ADJOURNMENT:

MOTION BY COMMISSIONER TAYLOR SUPPORTED BY COMMISSIONER LAW TO ADJOURN AT 7:15 P.M. UNTIL THE NEXT MEETING ON August 23, 2021.

YEAS ALL, MOTION CARRIED.

Janae Fear, Secretary

City of Owosso
Public Hearing Notice

The City of Owosso Planning Commission will conduct the following public hearing at the regular meeting scheduled for Monday, September 27, 2021 for the following topic:

PUBLIC HEARING FOR REZONING:

1. **Jayne Sutton, 702 S Park Street:** The applicant is seeking to rezone the property from R-1 Single Family Residential District to RM-1 Multiple Family Residential District. The proposed use of the property is to add new attractive multi-family housing either by building townhomes or 1 story apartments as supported by the City Master Plan. The parcel number is 050-652-005-002-00.
2. **Jayne Sutton, 703 S Washington Street:** The applicant is seeking to rezone the property from R-2 Two Family Residential District to RM-1 Multiple Family Residential District. The proposed use of the property is to add new attractive multi-family housing either by building townhomes or 1 story apartments as supported by the City Master Plan. The parcel number is 050-652-005-001-00.
3. **Jayne Sutton, 715 S Washington Street:** The applicant is seeking to rezone the property from B-1 Local Business District to RM-1 Multiple Family Residential District. The proposed use of the property is new attractive multi-family housing utilizing the existing church structure. The parcel number is 050-651-032-001-00.
4. **Jayne Sutton, 801 S Washington Street:** The applicant is seeking to rezone the property from R-2 Two Family Residential District to RM-1 Multiple Family Residential District. The proposed use of the property is to add new attractive multi-family housing either by building townhomes or 1 story apartments as supported by the City Master Plan. The parcel number is 050-651-037-001-00.

The Planning Commission meeting will begin at 6:30 p.m. in the City of Owosso Council Chambers, 301 W. Main Street. Persons having any questions regarding these matters are urged to attend this meeting or contact the City Planning and Zoning office at (989)-725-0535.

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

0 100 200 300 400 Feet



09-03-2021
PREZ 2021-01

APPLICATION FOR REZONING
CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, MI 989-725-0535
building@ci.owosso.mi.us

TO THE OWOSSO CITY COUNCIL:

I, (we), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the zoning map as hereinafter requested,

1. PROPERTY TO BE REZONED:

Address: 715 S Washington 050-651-032-001-00
Description: (lot, block or metes and bounds)
Frontage in feet: 178 Depth in feet: 124

2. PROPERTY OWNERSHIP:

Name: Jayne Sutton
Address: 4425 W Howe Rd Newitt 48820
Phone Number: 517-204-3239 E-mail:

3. ZONING REQUEST:

Current Zoning: B-1 Requested Zoning: RM-1

4. PROPOSED USE OF THE PROPERTY:

new attractive multi family housing

- * Indicate why, in your opinion, the requested change is consistent with the ordinance in prompting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city of Owosso:

Our vision is to bring much needed quality and affordable housing to the neighborhood by using the existing Church structure.

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

* Signature of Applicant: Jayne Sutton

Date: 9-2-2021

- ☐ LEGAL REPRESENTATIVE
☒ OWNER
☐ OPTION TO PURCHASE

1. The applicant must completely fill in the application.

2. Application fee is \$550.00 + \$5.00 per acre.

3. Escrow fee is \$1,500

4. Consultant Fees for Planning, Zoning, Engineering & Related Reviews:

- To better enable the City of Owosso to provide the highest quality review services, it retains the assistance of specialized consultants on an as-needed basis.
- To ensure that these services do not negatively impact the City's general fund, the cost of said services is passed on to the applicants in the form of review fees and associated escrow accounts.
- A cash deposit of \$1,500.00 shall be placed with the City of Owosso to retain qualified consultants.
- The City will let the applicants know when additional funds are needed (typically when about 25% is remaining).
- Should there be funds remaining in the account after completion of the project, the balance will be remitted to the depositor.

5. The applicant or his/her representative must be present at the Planning Commission and City Council public hearings for action to be taken on this request.
6. Application must be received by the end of the previous month before Planning Commission meeting. City Council will address the rezoning at the following Council Meeting after Planning Commission makes its recommendations for the rezoning.

<u>2021 Meeting Date</u>	<u>Submittal Deadline</u>	<u>2021 Meeting Date</u>	<u>Submittal Deadline</u>
January 25	December 30	July 26	July 1
February 22	January 29	August 23	July 30
March 22	February 27	September 27	September 2
April 26	April 1	October 25	September 30
May 24	April 30	November 22	October 29
June 28	June 3	December 13	November 19

FOR OFFICIAL USE ONLY

Case #	<u>PREZ 2021-01</u>	Planning Commission Hearing Date	<u>09/27/2021</u>
Receipt #	<u>547112</u>	Action Taken	
Date Filed	<u>09-03-2021</u>	City Council Hearing Date	
Description Checked	<u>✓</u>	Action Taken	

APPLICATION FOR REZONING

CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, MI 989-725-0535
building@ci.owosso.mi.us

PREZ2021-02
09-03-2021

TO THE OWOSSO CITY COUNCIL:

I, (we), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the zoning map as hereinafter requested,

1. PROPERTY TO BE REZONED:

Address: 703 S Washington 050-652-005-001-00
Description: (lot, block or metes and bounds)
Frontage in feet: 152 Depth in feet: 394

2. PROPERTY OWNERSHIP:

Name: Jayne Sutton
Address: 4425 W. Howe Rd.
Phone Number: 517-204-3239 E-mail: handymanhousecalls@hotmail.com

3. ZONING REQUEST:

Current Zoning: R-2 Requested Zoning: RM-1

4. PROPOSED USE OF THE PROPERTY:

new attractive multi family housing.

Indicate why, in your opinion, the requested change is consistent with the ordinance in prompting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city of Owosso:

Add needed quality affordable housing to the neighborhood by building town homes or 1 story apartments to this property.

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

Signature of Applicant: Jayne Sutton

Date: 9-2-2021

- ☐ LEGAL REPRESENTATIVE
☒ OWNER
☐ OPTION TO PURCHASE

1. The applicant must completely fill in the application.

2. Application fee is \$550.00 + \$5.00 per acre.

3. Escrow fee is \$1,500

4. Consultant Fees for Planning, Zoning, Engineering & Related Reviews:

- To better enable the City of Owosso to provide the highest quality review services, it retains the assistance of specialized consultants on an as-needed basis.
- To ensure that these services do not negatively impact the City's general fund, the cost of said services is passed on to the applicants in the form of review fees and associated escrow accounts.
- A cash deposit of \$1,500.00 shall be placed with the City of Owosso to retain qualified consultants.
- The City will let the applicants know when additional funds are needed (typically when about 25% is remaining).
- Should there be funds remaining in the account after completion of the project, the balance will be remitted to the depositor.

5. The applicant or his/her representative must be present at the Planning Commission and City Council public hearings for action to be taken on this request.
6. Application must be received by the end of the previous month before Planning Commission meeting. City Council will address the rezoning at the following Council Meeting after Planning Commission makes its recommendations for the rezoning.

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June 28	June 3	December 13	November 19

FOR OFFICIAL USE ONLY

Case #	<i>PREZ2021-02</i>	Planning Commission Hearing Date	<i>09/27/2021</i>
Receipt #	<i>547112</i>	Action Taken	
Date Filed	<i>09-03-2021</i>	City Council Hearing Date	
Description Checked	<i>✓</i>	Action Taken	

APPLICATION FOR REZONING

CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, MI 989-725-0535
building@ci.owosso.mi.us

PREZ 2021-03
09-03-2021

TO THE OWOSSO CITY COUNCIL:

I, (we), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the zoning map as hereinafter requested,

1. PROPERTY TO BE REZONED:

Address: 7025 PARK 050-652-005-002-00

Description: (lot, block or metes and bounds)

Frontage in feet: 152

Depth in feet: 388

2. PROPERTY OWNERSHIP:

Name: Jayne Sutton

Address: 4425 W. Howe Rd DelWitt MI 48820

Phone Number: 517 204-3231 E-mail: hardlymanhousecalls@hotmail.com

3. ZONING REQUEST:

Current Zoning: R-1

Requested Zoning: RM-1

4. PROPOSED USE OF THE PROPERTY:

new Attractive multi family housing

Indicate why, in your opinion, the requested change is consistent with the ordinance in prompting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city of Owosso:

Add needed quality affordable housing to the neighborhood by building town homes or 1 story apartments to this property

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

Signature of Applicant: Jayne Sutton

Date: 9-2-2021

☐ LEGAL REPRESENTATIVE

☒ OWNER

☐ OPTION TO PURCHASE

1. The applicant must completely fill in the application.

2. Application fee is \$550.00 + \$5.00 per acre.

3. Escrow fee is \$1,500

4. Consultant Fees for Planning, Zoning, Engineering & Related Reviews:

- To better enable the City of Owosso to provide the highest quality review services, it retains the assistance of specialized consultants on an as-needed basis.
- To ensure that these services do not negatively impact the City's general fund, the cost of said services is passed on to the applicants in the form of review fees and associated escrow accounts.
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FOR OFFICIAL USE ONLY

Case #	<u>PREZ 2021-03</u>	Planning Commission Hearing Date	<u>09/27/2021</u>
Receipt #	<u>547112</u>	Action Taken	
Date Filed	<u>09-03-2021</u>	City Council Hearing Date	
Description Checked	<u>✓</u>	Action Taken	

PREZ2021-04
09-03-2021

APPLICATION FOR REZONING
CITY OF OWOSSO

301 W. Main Street, Owosso, Michigan 48867, MI 989-725-0535
building@ci.owosso.mi.us

TO THE OWOSSO CITY COUNCIL:

I, (we), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the zoning map as hereinafter requested,

1. PROPERTY TO BE REZONED:

Address: 801 S Washington 050-651-037-001-00
Description: (lot, block or metes and bounds)
Frontage in feet: 121 Depth in feet: 248

2. PROPERTY OWNERSHIP:

Name: Jayne Sutton
Address: 4425 W Hove Rd Dewitt 48820
Phone Number: 517-204-3239 E-mail:

3. ZONING REQUEST:

Current Zoning: R2 Requested Zoning: RM-2

4. PROPOSED USE OF THE PROPERTY:

new attractive multi family housing

Indicate why, in your opinion, the requested change is consistent with the ordinance in prompting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city of Owosso:

Add needed quality affordable housing to the neighborhood by building town homes or 1 story apartments to this property

The above information has been submitted in support of the rezoning and is accurate and truthful to the best of our knowledge.

Signature of Applicant: Jayne Sutton

Date: 9-2-2021

☐ LEGAL REPRESENTATIVE

☒ OWNER

☐ OPTION TO PURCHASE

1. The applicant must completely fill in the application.

2. Application fee is \$550.00 + \$5.00 per acre.

3. Escrow fee is \$1,500

4. Consultant Fees for Planning, Zoning, Engineering & Related Reviews:

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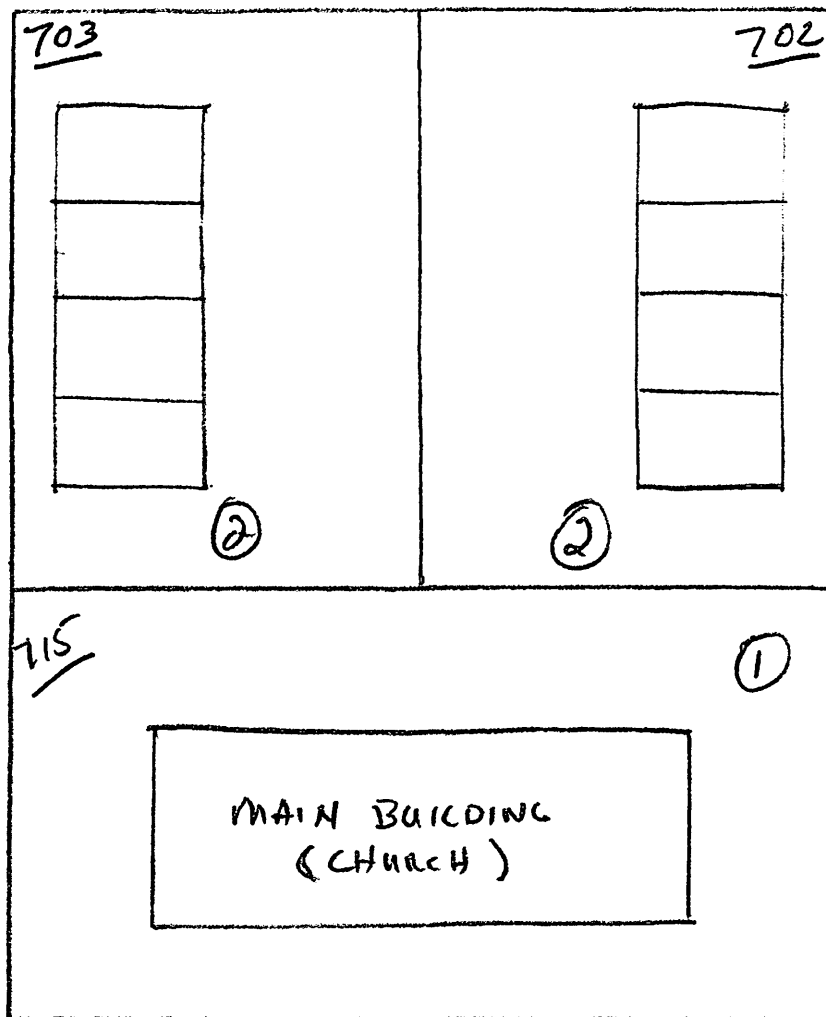
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FOR OFFICIAL USE ONLY

Case #	<i>PRE-2021-04</i>	Planning Commission Hearing Date	<i>09/27/2021</i>
Receipt #	<i>547112</i>	Action Taken	
Date Filed	<i>09-03-2021</i>	City Council Hearing Date	
Description Checked	<i>✓</i>	Action Taken	

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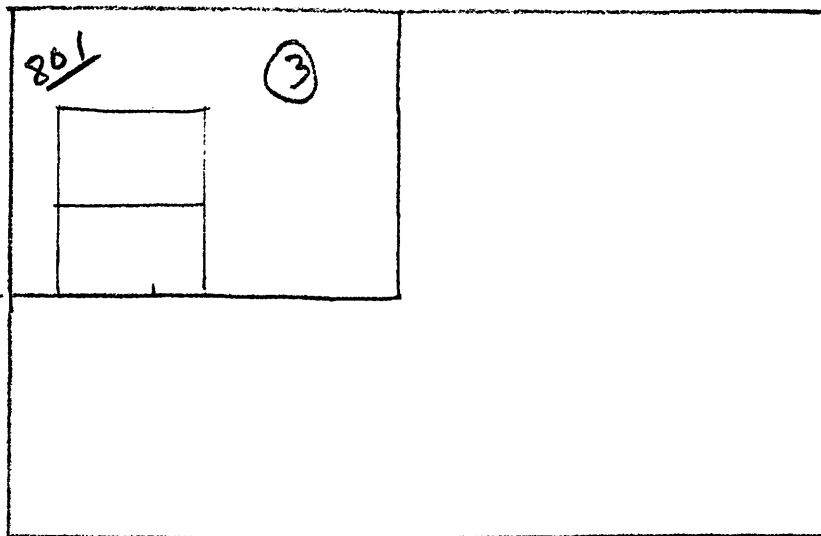
S. WASHINGTON



S. PARK

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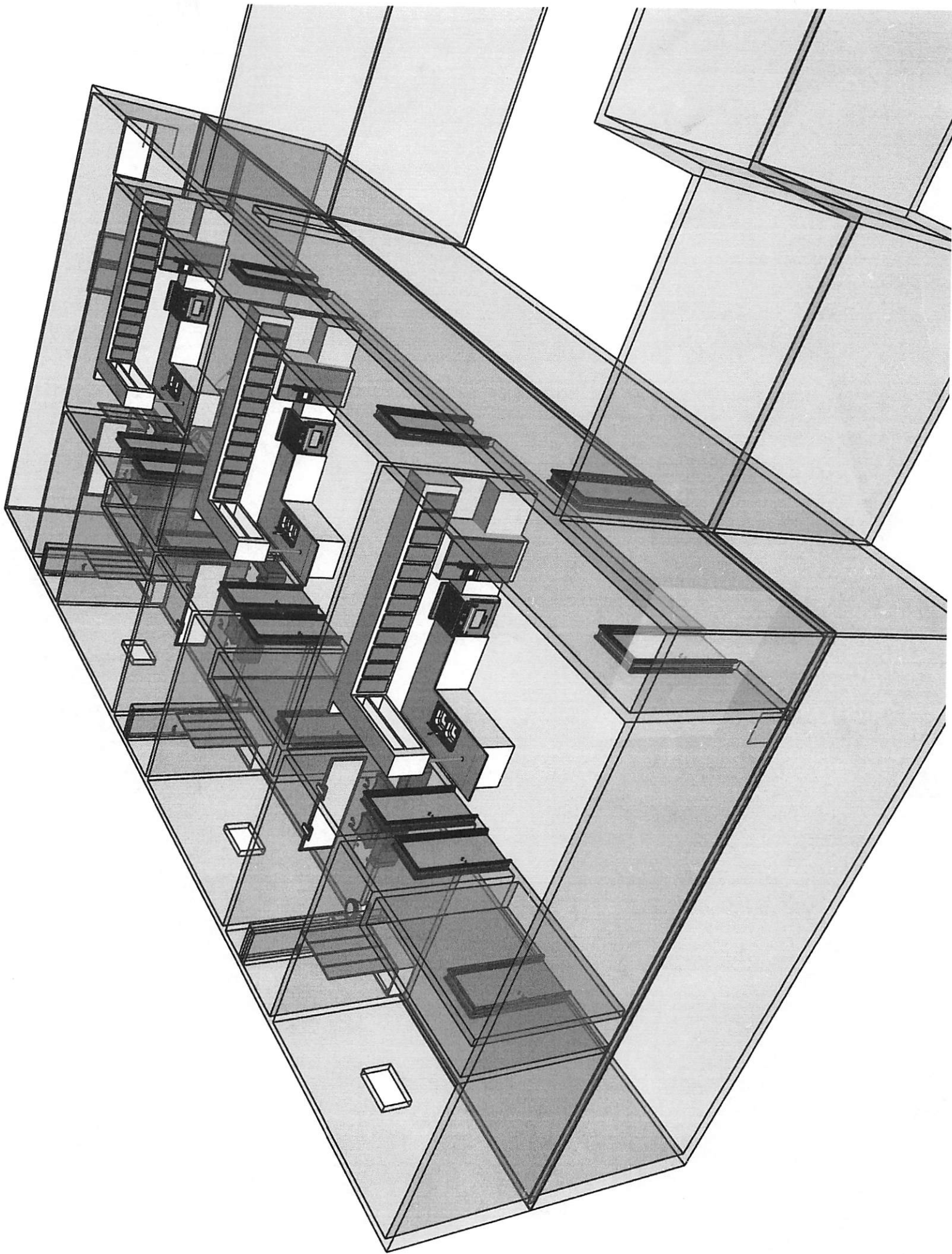
E. STEWART

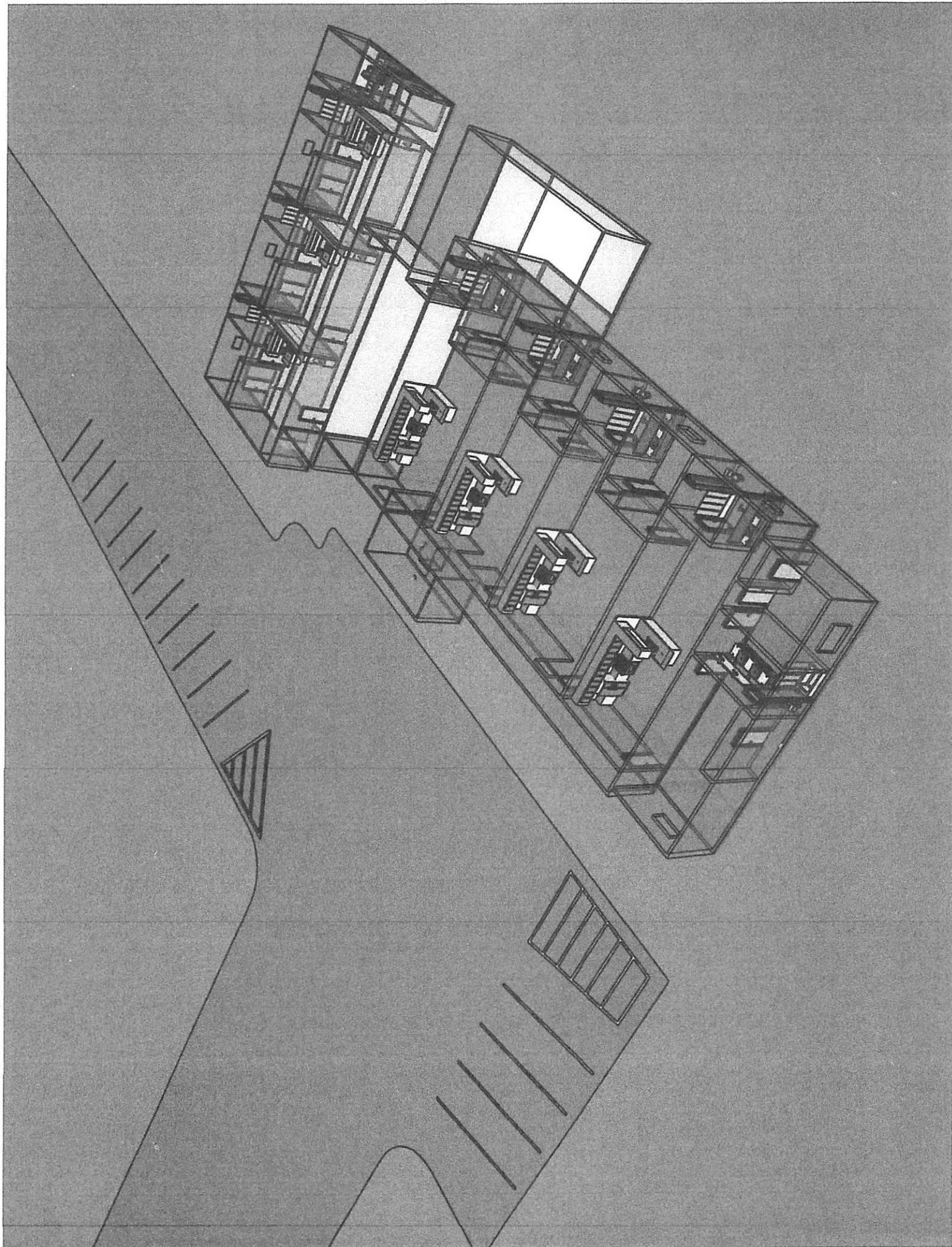


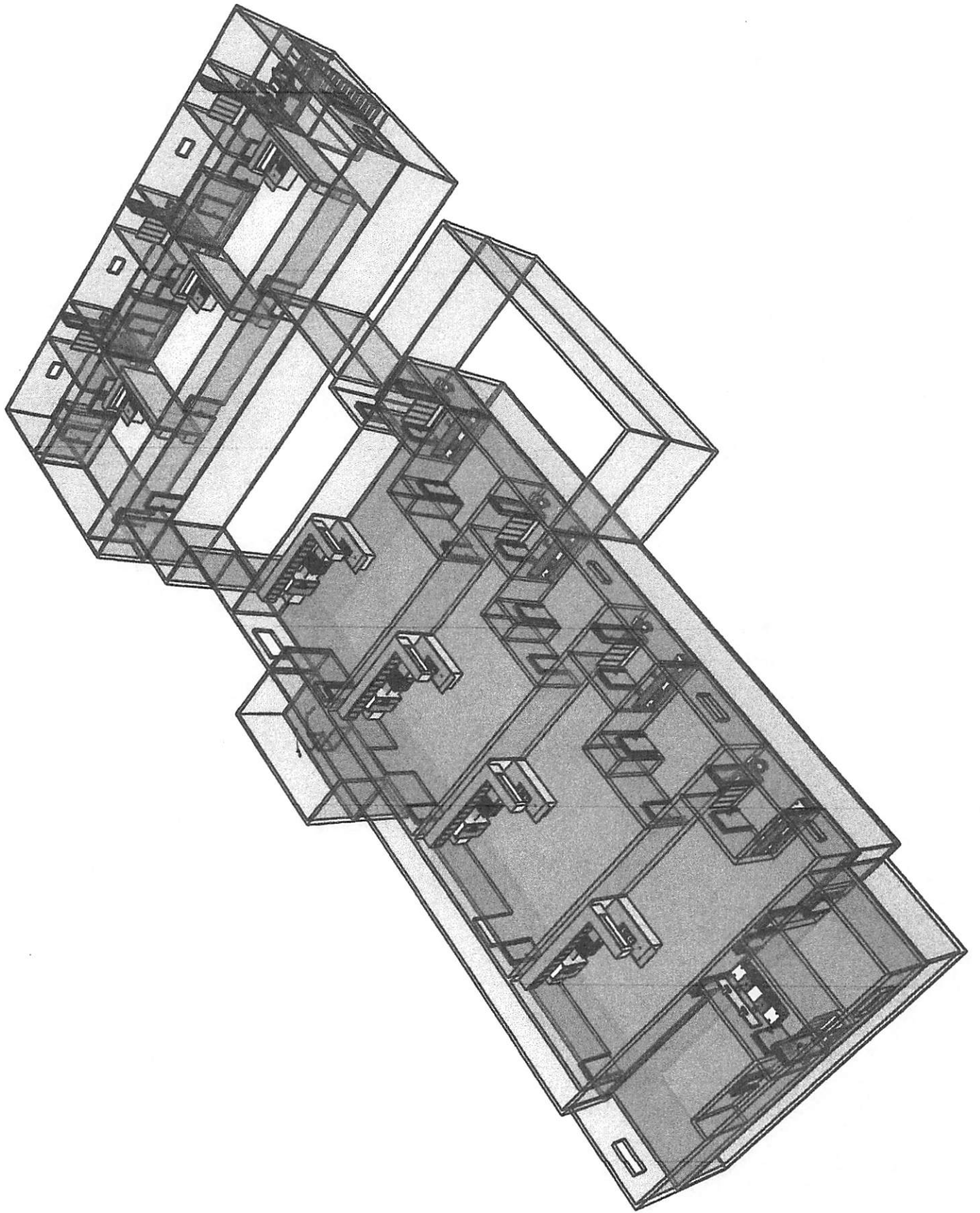
PHASE 1
- CONVERT MAIN
BUILDING

PHASE 2
- BUILD ON
703 WASHINGTON
702 PARK

PHASE 3
- BUILD ON
801 WASHINGTON











SITE PLAN REVIEW

P2021-004

CITY OF OWOSSO, MICHIGAN

SITE PLAN REVIEW APPLICATION AND CHECKLIST

Approval of the site plan is hereby requested for the following parcel(s) of land in the City of Owosso. This application is submitted with five (5) copies of the complete site plan and payment of the appropriate review fees. Applicant shall also submit a digital version of the site plan to the community development director. Application must be filed least 25 days prior to a scheduled planning commission meeting for staff review and proper notices.

Accompanying any site plan required hereunder, the applicant shall provide from a licensed engineer soil borings at the proposed construction site to ascertain bearing capacity of foundations soils at the time of footing excavation to certify such soil conditions meet or exceed design capacity of the foundation to support the proposed structure. These requirements shall comply with policies of the City of Owosso, copies of which can be obtained from the Building Department.

The attached checklist has been completed to certify the data contained on the site plan. If the required data has not been provided, the appropriate box has been checked with a statement of explanation on why the data has not been provided. I understand that if my site plan is deemed to be incomplete, it may be returned by the City for revisions without being forwarded to the Planning Commission for consideration, until such time as the requirements have been adequately met. By signing this application, the applicant hereby grants full authority to the City of Owosso, its agents, employees, representatives and/or appointees to enter upon the undersigned lands/parcel(s) for the purposes of inspection and examination.

Application Filed On: 07-29-2021

Application Transmitted by City On: _____

Property Details:

1. Name of Proposed Development: OWOSSO SHKRELI MEDICAL MARIJUANA - SHKRELI FAMILY INVESTMENT
2. Property Street Address: 403 STATE STREET - OWOSSO, MI, 48867
3. Location of Property: On the south of LYNN Street, between RAILROAD TRACKS and STATE Streets.
4. Legal Description of Property: SEE SURVEY
5. Site Area (in acres and square feet): 1.369 acres
6. Zoning Designation of Property: I-1

Ownership:

1. Name of Title/Deed Holder: LESH SHKRELI
2. Address: 1500 GOLFSIDE CT, FLUSHING, MI, 48433
3. Telephone No: 810-471 2567 MARSH SHKRELI
4. Fax No: _____
5. Email address: MARSHKRELI@YAHOO.COM

Applicant:

1. Applicant (If different from owner above): _____
2. Address: _____
3. Telephone No: _____
4. Fax No: _____

5. Email address: _____

6. Interest in Property (potential buyer/lease holder/potential lessee/other): _____

Architect/Surveyor/Engineer preparing site plan:

1. Name of Individual: JOHN MARUSICH RA#35747
2. Address: 36880 WOODWARD AVE. BLOOMFIELD HILLS, MI, 48304
3. Telephone No: 313-482 0645
4. Fax No: _____
5. Email address: JOHN.M.MARUSICHARCHITECTURE@GMAIL.COM

PLEASE NOTE:

LLC establishments must have a current plan of operation.

Review Fees:

Paid: Yes/No

***Site Plan Review Fees: \$150.00 (may be more if it requires review from outside firm)**

Total Fees: \$ _____

Tush Skreli
Signature of Applicant Date

Date _____

Signature LESH SHKRELI of Deed/Title Holder 7-30-2021 Date

Date _____

Please provide an overview of the project:

[illegible]

SITE PLAN REVIEW CHECKLIST

Check the appropriate line. If item is marked as 'not provided', attach detailed explanation.

Item	Provided	Not Provided
1. Site location Map. _____		_____
2. North arrow, scale (one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more.	_____X_____	_____
3. Revision dates. _____		_____
4. Signature and Seal of Architect/Surveyor/Engineer.	_____X_____	_____
5. Area of site (in acres and square feet).	_____X_____	_____
6. Boundary of the property outlined in solid line.LABELED	_____X_____	_____
7. Names, centerline and right-of-way widths of adjacent streets.	_____X_____	_____
8. Zoning designation of property. _____		_____
9. Zoning designation and use of adjacent properties.	_____X_____	_____
10. Existing and proposed elevations for building(s) parking lot areas and drives. _____X_____		_____
11. Direction of surface water drainage and grading plan and any plans for storm water retention/detention on site.	_____X_____	_____
12. Required setbacks from property lines and adjacent parcels.	_____X_____	_____
13. Location and height of existing structures on site and within 100 feet of the property. _____X_____		_____
14. Location and width of existing easements, alleys and drives.	_____X_____	_____
15. Location and width of all public sidewalks along the fronting street right-of-way and on the site, with details.	_____X_____	_____
16. Layout of existing/proposed parking lot, with space and aisle dimensions.	_____X_____	_____
17. Parking calculations per ordinance. _____X_____		_____
18. Location of all utilities, including but not limited to gas, water, sanitary sewer, electricity, telephone. _____X_____		_____
19. Soil erosion and sedimentation control measures during construction.	_____X_____	_____
20. Location and height of all exiting fences, screens, walls or other barriers. _____X_____		_____
21. Location of dumpster enclosure and trash removal plan.	_____X_____	_____
22. Landscape plan indicating existing trees and plantings along frontage and on the site. _____X_____		_____
23. Notation of landscape maintenance agreement.	_____X_____	_____
24. Notation of method of irrigation. _____X_____		_____
25. Lighting plan indicating existing/proposed light poles on site, along site's frontage and any wall mounted lights.	_____X_____	_____
a. Cut-sheet detail of all proposed light fixtures.	_____X_____	_____
26. Architectural elevations of building (all facades). Identifying height, Materials used and colors. _____X_____		_____
27. Existing/proposed floor plans. _____X_____		_____
28. Roof mounted equipment and screening.	_____X_____	_____
29. Location and type of existing/proposed on-site signage.	_____X_____	_____
30. Notation of prior variances, if any.	_____X_____	_____
31. Notation of required local, state and federal permits, if any.	_____X_____	_____

32. Additional information or special data (for some sites only)

- a. Environmental Assessment Study. ☒ _____
- b. Traffic Study. Trip Generation. ☒ _____
- c. Hazardous Waste Management Plan. ☒ _____

33. For residential development: a schedule indicating number of dwelling units, number of bedrooms, gross and usable floor area, parking provided, total area of paved and unpaved surfaces.

34. LLC establishments must have a current Plan of Operation.

35. Is property in the floodplain? ☒ _____

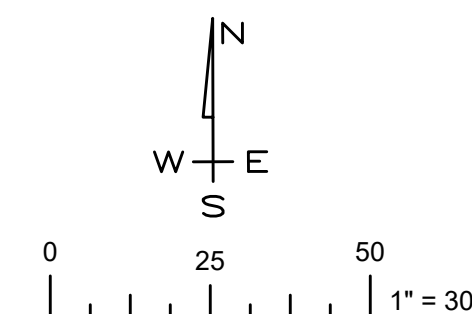
36. Will this require MDEQ permitting? ☒ _____

37. Performance Bond – when required. ☒ _____


*Additional data deemed necessary to enable to completion of an adequate review may be required by the Planning Commission, City and/or its consultants.

2019 Meeting Date **Submittal Deadline**

January 28	December 28
February 25	January 25
March 25	February 22
April 22	March 22
May 28	April 26
June 24	May 24
July 22	June 21
August 26	July 26
September 23	August 23
October 28	September 27
November 25	October 25
December 9	November 8



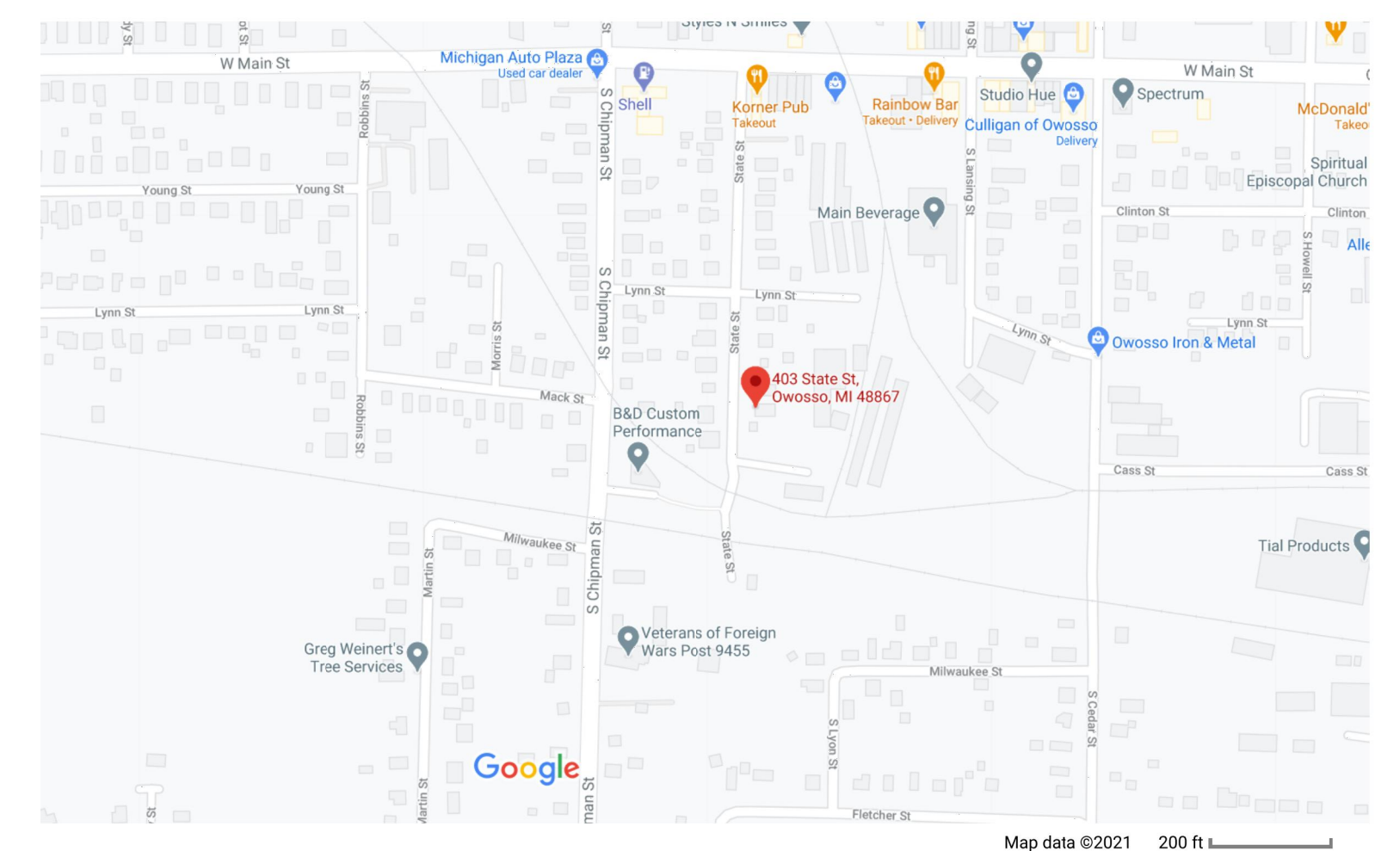
legend

- 
- ASPHALT SURFACE
- CONCRETE SURFACE

[Handwritten signature]



JULY 22, 2021 FOR PERMIT/BID



location map (no scale)

legal description (per City Assessor's records)
 LOTS 8 & 9 AND E 9' OF LOT 7, BLK 2. ALSO, OUTLOT 1 & N 61' OUTLOT 2 (EX RR R/W) GEO THOMAS ADD

BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATE
SYSTEM (MI-SOUTH)

CIVIL ENGINEERS & SURVEYORS
2708 BRIDLE ROAD
BLOOMFIELD HILLS, MICHIGAN 48304
(248) 425-9789 mason_brown@sbcglobal.net

PLAN OF EXISTING CONDITIONS

VIARUSICH ARCHITECTURE

16880 WOODWARD AVE. STE. 100 BLOOMFIED HILLS, MI 48304 | 401 STATE ST.

5.

--	--

מדינת ישראל

503

SCALE:

 $1'' = 30'$

DATE:

3-13-20

JOB NO.

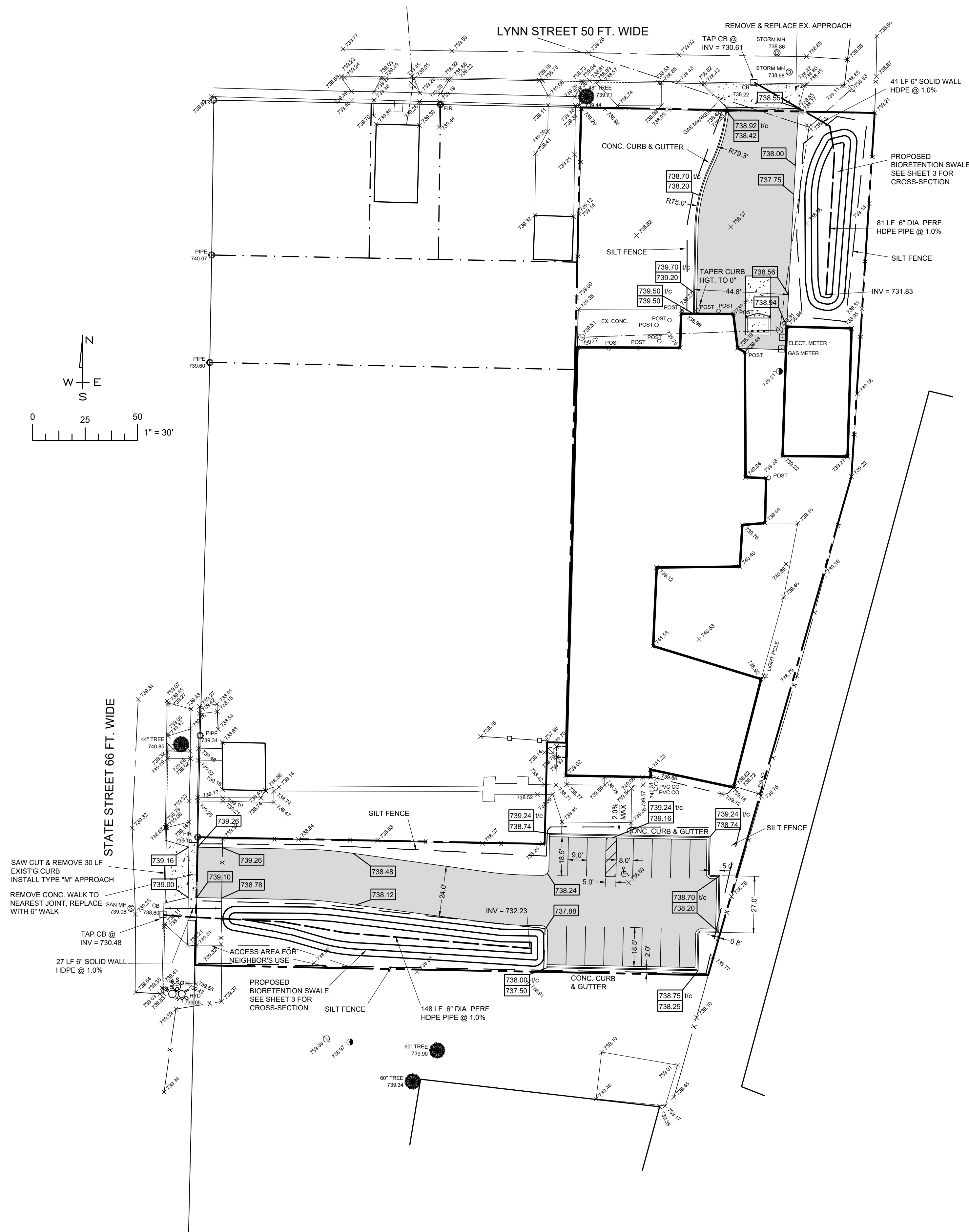
21-009

SHEET

1



Know what's below.
Call before you dig.



DETENTION	
South Lot	
PAVT AREA	= 0.22 acre
ROOF AREA	= 0 acre
WATER SURFACE AREA	= 0 acre
SEMI-PERVIOUS AREA	= 0.21 acre
TOTAL AREA	= 0.43 acre
USE HYDROLOGIC SOIL GROUP B, SLOPE BETWEEN 1% AND 3% = 0.25	
$C = (ROOF + PAVT) / (0.95 + (WATER) / (1.00 + (SEMI-PERVIOUS) / (0.25 / SITE AREA)))$	
Cdev =	0.608
Qp = (0.20 cfs/acre) (area) =	0.088 CFS
Qo = Qp / AC =	0.33 CFS/ACRE-IMP
T = 25 + SQRT(10312.5 / Qo) =	152.08 MIN.
Vs = (16500 T) / (T + 25) = (4900 T) =	12,169.95 CFS/ACRE-IMP
Vt = Vs x AC =	3,182.44 CF
North Lot	
PAVT AREA	= 0.11 acre
ROOF AREA	= 0 acre
WATER SURFACE AREA	= 0 acre
SEMI-PERVIOUS AREA	= 0.22 acre
TOTAL AREA	= 0.34 acre
USE HYDROLOGIC SOIL GROUP B, SLOPE BETWEEN 1% AND 3% = 0.25	
$C = (ROOF + PAVT) / (0.95 + (WATER) / (1.00 + (SEMI-PERVIOUS) / (0.25 / SITE AREA)))$	
Cdev =	0.476
Qp = (0.20 cfs/acre) (area) =	0.088 CFS
Qo = Qp / AC =	0.42 CFS/ACRE-IMP
T = 25 + SQRT(10312.5 / Qo) =	131.74 MIN.
Vs = (16500 T) / (T + 25) = (4900 T) =	11,656.32 CFS/ACRE-IMP
Vt = Vs x AC =	1,888.32 CF

STAGE STORAGE TABLE NORTH BIOSWALE						
ELEV	AREA (sq. ft.)	DEPT H (ft)	AVG END INC. VOL. (cu. ft.)	AVG END TOTAL VOL. (cu. ft.)	CONIC INC. VOL. (cu. ft.)	CONIC TOTAL VOL. (cu. ft.)
735.00	630.78	N/A	N/A	0.00	N/A	0.00
736.00	1,134.07	1.00	882.43	882.43	870.22	870.22
737.00	1,693.45	1.00	1413.76	2296.19	1404.45	2274.66

STAGE STORAGE TABLE SOUTH BIOSWALE						
ELEV	AREA (sq. ft.)	DEPT H (ft)	AVG END INC. VOL. (cu. ft.)	AVG END TOTAL VOL. (cu. ft.)	CONIC INC. VOL. (cu. ft.)	CONIC TOTAL VOL. (cu. ft.)
735.40	808.69	N/A	N/A	0.00	N/A	0.00
736.40	1,705.94	1.00	1257.31	1257.31	1229.73	1229.73
737.40	2,662.44	1.00	2184.19	3441.51	2166.52	3396.25

CONSTRUCTION SCHEDULE
(ALL DATES APPROXIMATE)

SEPT 1, 2021 INSTALL SILT FENCING
SEPT 2-23, 2021 EXCAVATION FOR PAVEMENT & BIOSWALES
SEPT 24-30, 2021 INSTALL STONE BASE, ASPHALT AND CONCRETE CURBS, WALKS
OCT 1-10, 2021 STABILIZE SITE WITH SEED/MULCH, PLANTINGS FOR BIOSWALES
OCT 30, 2021 REMOVE SILT FENCING

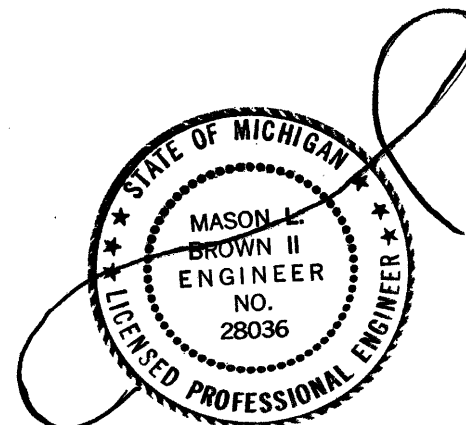
MAINTENANCE SCHEDULE
(ALL DATES APPROXIMATE)

SCRAPE PUBLIC STREETS DAILY AS NEEDED
SWEEP PUBLIC STREETS WEEKLY

legend

	EX. SPOT ELEVATION
	EX. ELEVATION CONTOUR
	PROP. SPOT ELEVATION
	TOP OF CURB
	EX. UTILITY POLE
	EX. GUY POLE/ANCHOR
	EX. FIRE HYDRANT
	EX. WATER VALVE BOX
	EX. CHAIN LINK FENCE
	EX. OVERHEAD WIRE(S)
	ASPHALT SURFACE
	CONCRETE SURFACE

JULY 22, 2021 FOR PERMIT/BID



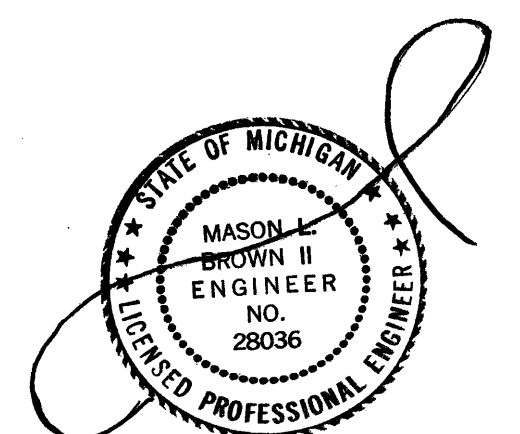
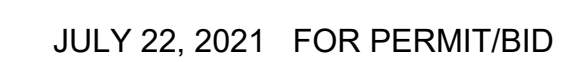
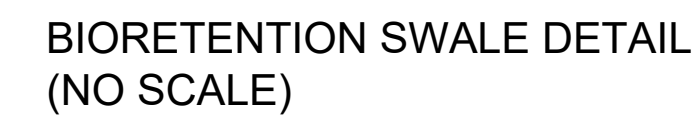
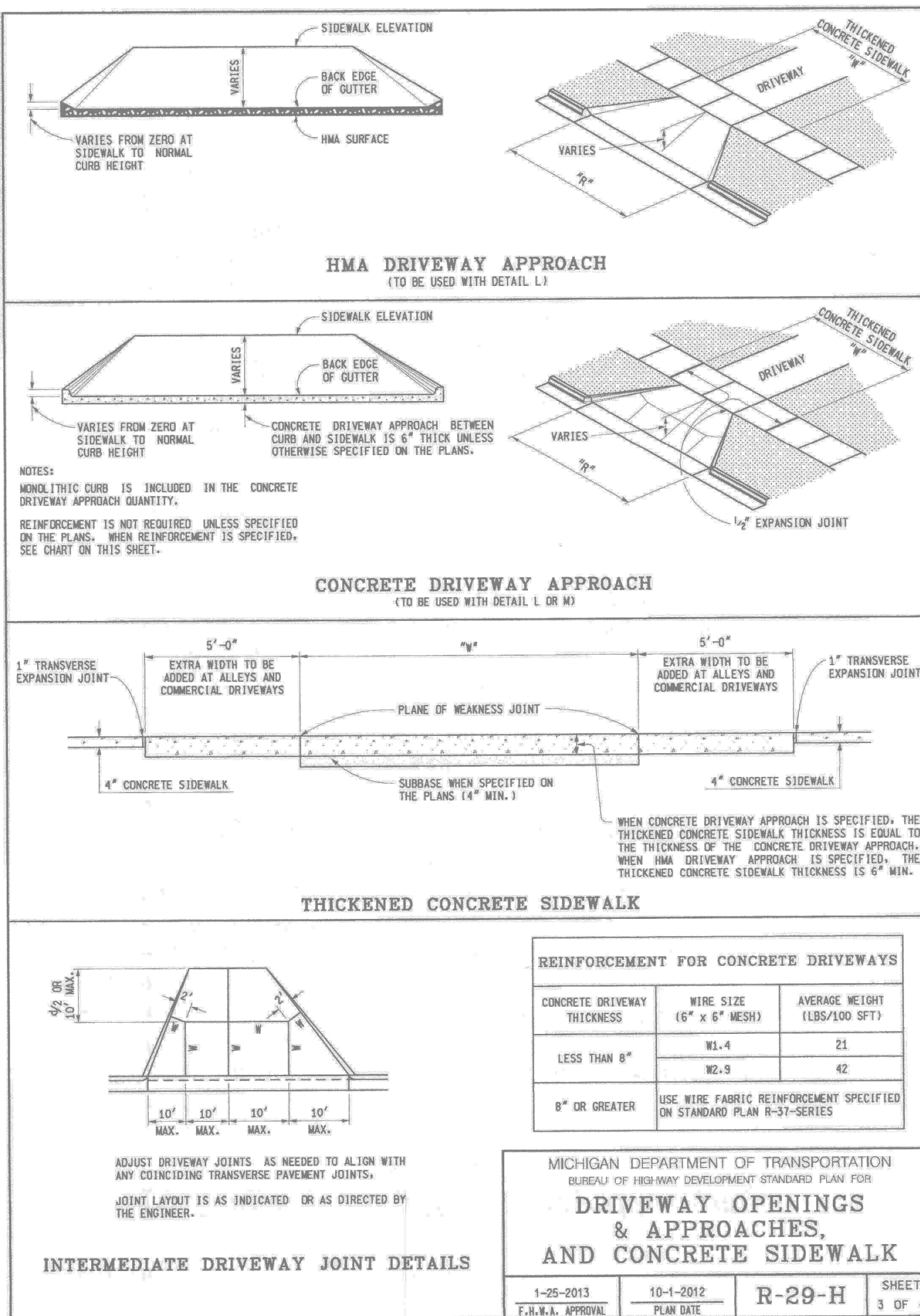
MASON BROWNS ASSOCIATES, LLC
CIVIL ENGINEERS & SURVEYORS
2708 BRIDLE ROAD
BLOOMFIELD HILLS, MICHIGAN 48304
(248) 225-9789 mason_brown@bbglobal.net

PROPOSED COMMERCIAL REUSE
STORMWATER MANAGEMENT, PAVING & GRADING PLAN
OWASSO, MI

MARUSICH ARCHITECTURE
36680 WOODWARD AVE. STE. 100 BLOOMFIELD HILLS, MI 48304 401 STATE ST.

REVISIONS:	
DESIGN: MLB	DRAWN: mb
21-009.DWG	CHECKED: MB
FIELD OK: net	

SCALE:
1"=30'
DATE:
06-22-2021
JOB NO.
21-009
SHEET



OWOSSO MEDICAL MARIJUANA (SHKRELI FAMILY INVESTMENT)

403 STATE ST.

OWOSSO, MI 48867

SITE INFORMATION

LEGAL DESCRIPTION: (PER CITY ASSESSOR'S RECORDS)

LOTS 8 & 9 AND E 9' OF LOT 7, BLK 2. ALSO, OUTLOT 1 & N 61' OUTLOT 1 (EX RR R/W) GEO THOMAS ADD

BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATE SYSTEM (MI-SOUTH)

SITE INFORMATION:

ZONED: I-1 (LIGHT INDUSTRIAL DISTRICT)

SITE AREA: 59,082 SQ. FT.
TOTAL ACREAGE: 1.35 ACRE

BUILDING COVERAGE:

TOTAL BUILDING AREA: 15,693 SQ. FT.

TYPE OF CONSTRUCTION:

3B (EXISTING EXTERIOR CONSTRUCTION & 5B (NEW INTERIOR CONSTRUCTION)

USE GROUP:

PER MBC 2015 TABLE 1004.1.2 (F-1) INDUSTRIAL AREA

OCCUPANT LOAD:

15,693 S.F. / 100 GROSS = 156.93 ≈ 157 OCCUPANTS

PARKING:

TOTAL 15 PARKING SPACES AVAILABLE

DRAWING INDEX SHEET

SHEET NO.	SHEET CONTEXT
A - 0	TITLE SHEET
A - 1	SITE PLAN AND LANDSCAPE
A - 2	EXISTING / DEMO FLOOR PLAN
A - 3	PROPOSED FLOOR PLAN
A - 4	REFLECTED CEILING PLAN
A - 5	EMERGENCY EGRESS PLAN
A - 6	BUILDING SECTION
A - 7	INTERIOR ELEVATIONS AND DETAILS
A - 8	EXTERIOR ELEVATION - SOUTH AND NORTH ELEVATION
A - 9	EXTERIOR ELEVATION - WEST AND EAST ELEVATION
A - 10	EXTERIOR LIGHT FIXTURE SCHEDULE
E - 1	ELECTRICAL - POWER PLAN
E - 2	ELECTRICAL - LIGHTING PLAN
E - 3	ELECTRICAL - EMERGENCY LIGHTS AND EXIT SIGNS PLAN
E - 4	ELECTRICAL - PANEL CALCULATIONS
M - 1	MECHANICAL PLAN
P - 1	PLUMBING - WATER SUPPLY AND GAS PLANS
P - 2	PLUMBING - SANITARY PLAN

BUILDING CODE REVIEW

BUILDING DEPARTMENT- CITY OF OWOSSO, MICHIGAN

BUILDING: 2015 MICHIGAN BUILDING CODE

PLUMBING: 2015 MICHIGAN PLUMBING CODE (IPC 2015)

MECHANICAL: 2015 MICHIGAN MECHANICAL CODE W / STATE

ELECTRICAL: 2017MICHIGAN ELECTRICAL CODE (IECC 2012)

ENERGY: 2015 MICHIGAN UNIFORM ENERGY CODE (IECC 2015)

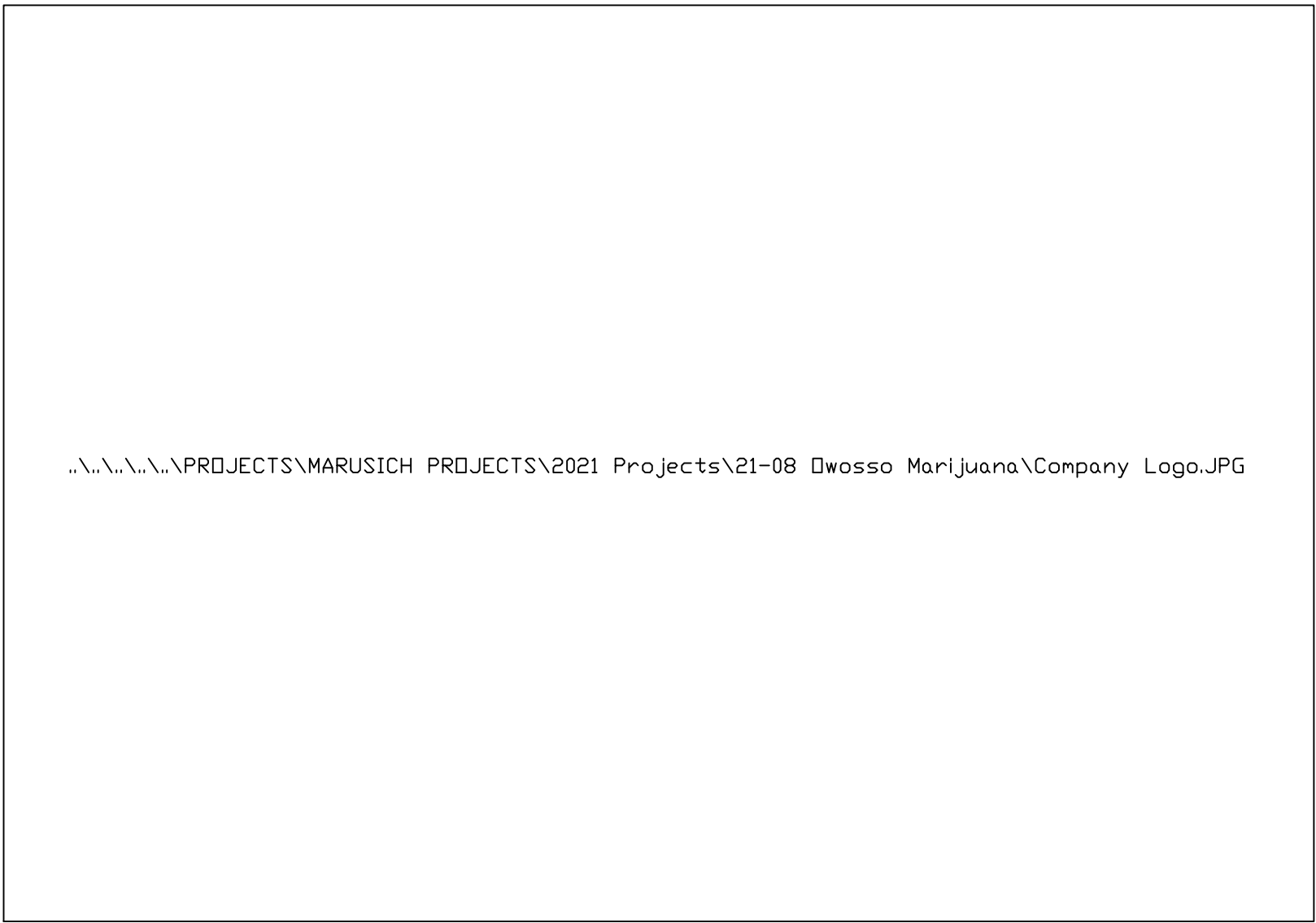
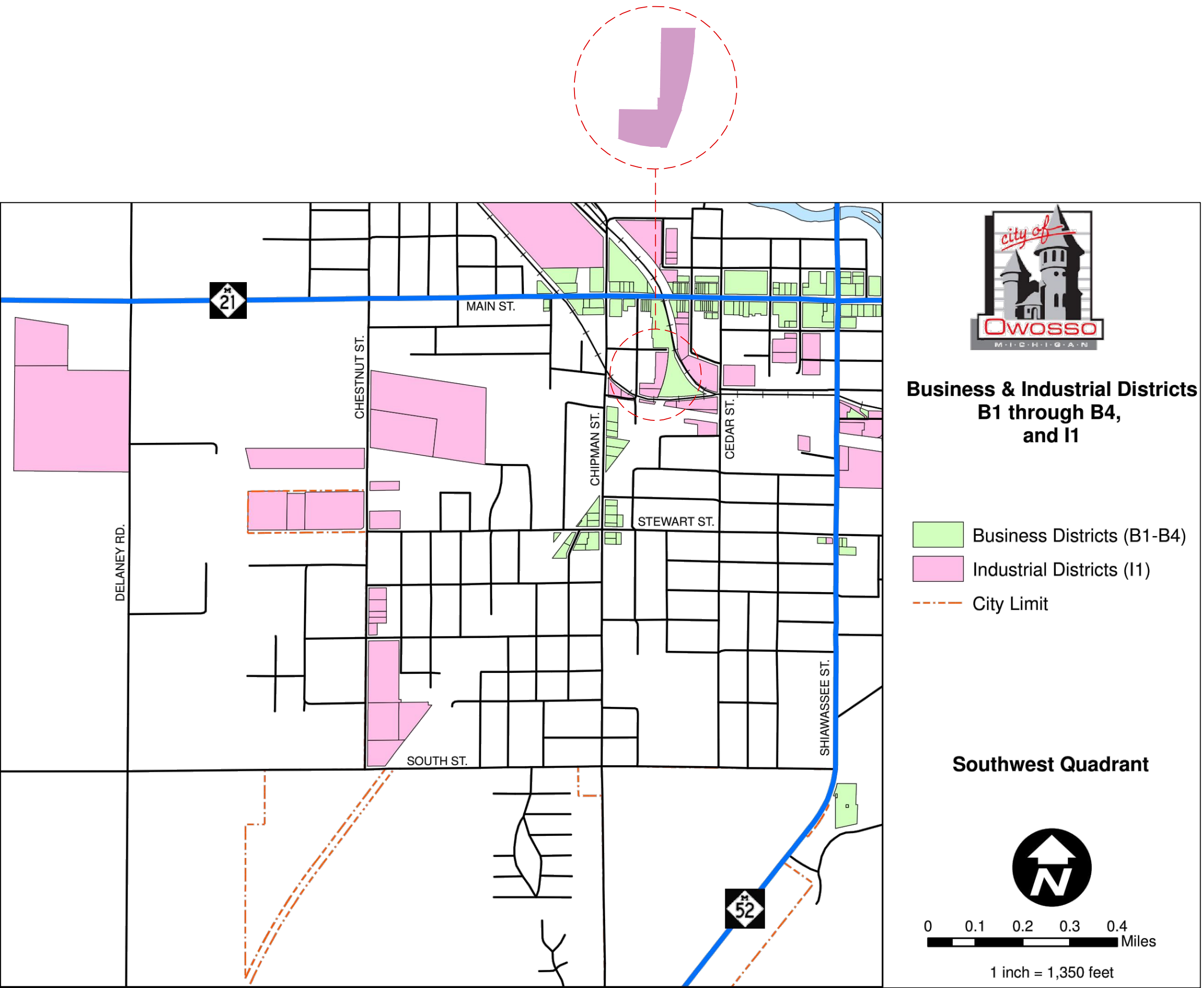
FIRE: 2015 MICHIGAN FIRE PREVENTION CODE (IECC 2015)

ACCESS: MICHIGAN BARRIER FREE - ICC / ANSI A117.1 (2012)

GENERAL NOTES:

NO SPECIAL INSPECTION IS REQUIRED

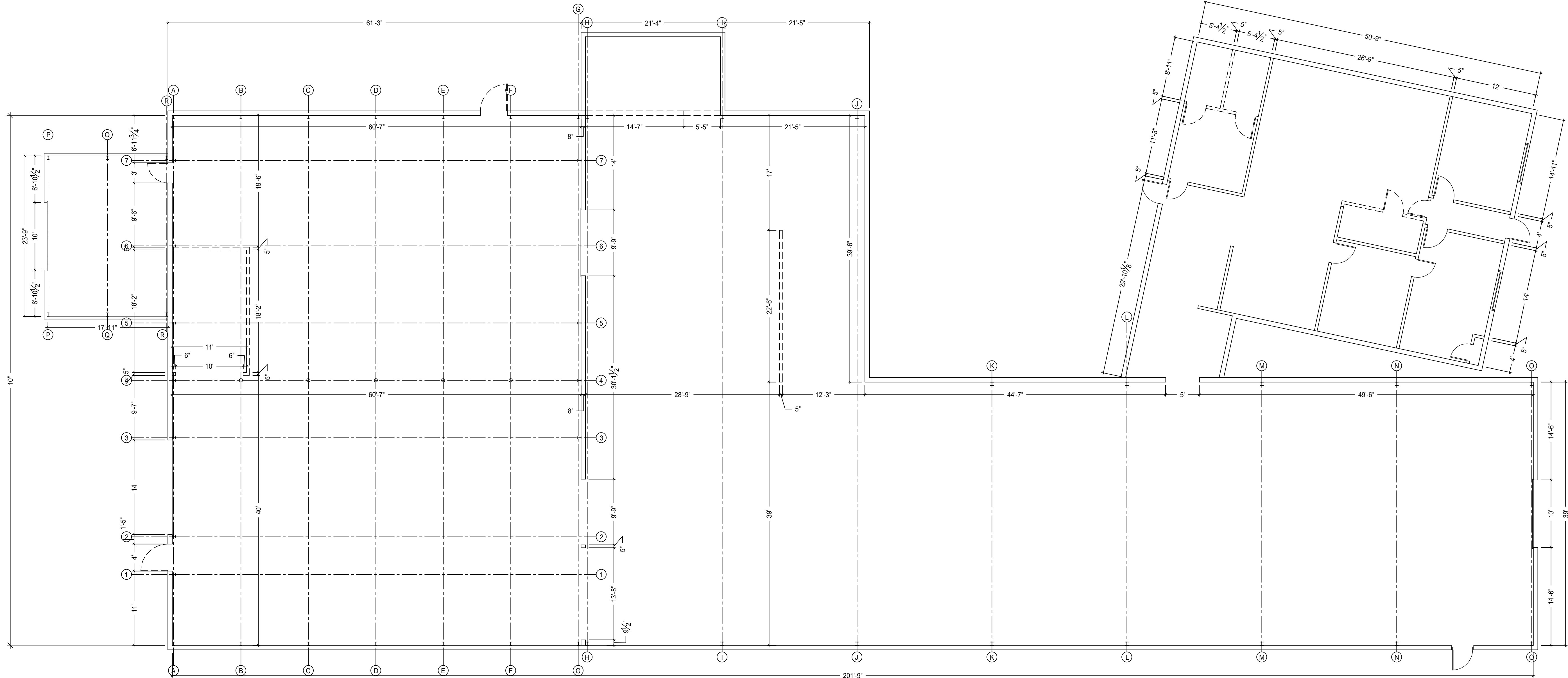
DEFERRED SUBMITTALS: LOW VOLTAGE ALARMS AND FIRE SUPPRESSION BY OTHERS



36880 WOODWARD AVENUE
SUITE 100 BLOOMFIELD HILLS
MICHIGAN, 48304

CELL: 313-482-0645
OFFICE: 248-792-2949

OWOSSO MEDICAL MARIJUANA
(SHKRELI FAMILY INVESTMENT)
403 STATE ST.
OWOSSO, MI 48867



 **EXISTING AND DEMO FLOOR PLAN**
SCALE: 1/8" = 1'-0"
NORTH



**MARUSICH
ARCHITECTURE**

36880 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304
SUITE 100

OFFICE: (248) 792-2949
CELL: (313) 482-0645

www.marusicharchitecture.com
johnm@marusicharchitecture.com

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OWNER

**SHKRELI FAMILY
INVESTMENT**

403 STATE ST.
OWOSSO, MI 48867

PROJECT NAME

**OWOSSO MEDICAL
MARIJUANA
(SHKRELI FAMILY
INVESTMENT)**

403 STATE ST.
OWOSSO, MI 48867

PROJECT # 21 - 08

ISSUE DATE # 03/04/2021

REVISION HISTORY

OWNER REVIEW	03/05/2021
PERMIT SET	03/24/2021
PERMIT REVISION	05/03/2021

DRAWN BY: EY

CHECKED BY: JM

SHEET CONTENTS

**EXISTING AND DEMO
FLOOR PLAN**

SEAL



OWNER / OWNER'S AGENT APPROVED & ACCEPTED

DATE: __/__/2020

SHEET #

A-2

DOOR SCHEDULE							
NO.	SIZE	THICK.	MATERIAL	FINISH	FRAME	FIRE RAT.	HARD.
D1	3'x7'	1 3/4"	INSUL. HM	PRIMED	RIGID MET	1 HR	A
D2	3'x7'	1 3/4"	HM	PRIMED	RIGID MET	1 HR	B
D3	3'x7'	1 3/4"	HM	PRIMED	RIGID MET	1 HR	C
D4	3'x7'	1 3/4"	WD.	PRIMED	MET	20 MIN	D
D5	(2) 3'x7'	1 3/4"	HM	PRIMED	RIGID MET	1 HR	E
D6	4'x7'	1 3/4"	INSUL. HM	PRIMED	RIGID MET	1 HR	A
D7	3'x7'	1/4"	GLASS	-	ALUM.	-	F
D8	10'x10'	1 3/4"	INSUL.HM	PRIMED	RIGID MET	-	G
D9	3'x7'	1 3/4"	WD.	STAIN	MET	-	H

HARDWARE SET:

A: DEAD BOLT W/ THUMB TURN
MORTISE LOCKSET
PEEP HOLE
WEATHER STRIPPING
METAL THRESHOLD
DOOR SWEEP
3 HEAVY DUTY HINGES
AUTOMATIC CLOSER
INTERIOR PANIC BAR

H:

PUSH PULL PLATES
AUTOMATIC CLOSER
3 HINGES
DOOR STOP

HARDWARE SET:

B: CYLINDER LOCKSET
WEATHER STRIPPING
DOOR SWEEP
3 HEAVY DUTY HINGES
AUTOMATIC CLOSER
INTERIOR PANIC BAR
DOOR STOP

HARDWARE SET:

C: CYLINDER LOCKSET
3 SELF CLOSING HINGES
D: PRIVATE PH. HANDSET
PH. SIGNAGE
AUTOMATIC CLOSER
DOOR STOP
3 HINGES
COAT HOOK

HARDWARE SET:

E: MORTISE LOCKSET
ASTRAGAL
WEATHER STRIPPING
DOOR SILL
DOOR SWEEP
DOOR STOPS W/ OPEN HOOKS
KICK PLATES BOTH SIDES
PUSH BARS
AUTOMATIC CLOSERS

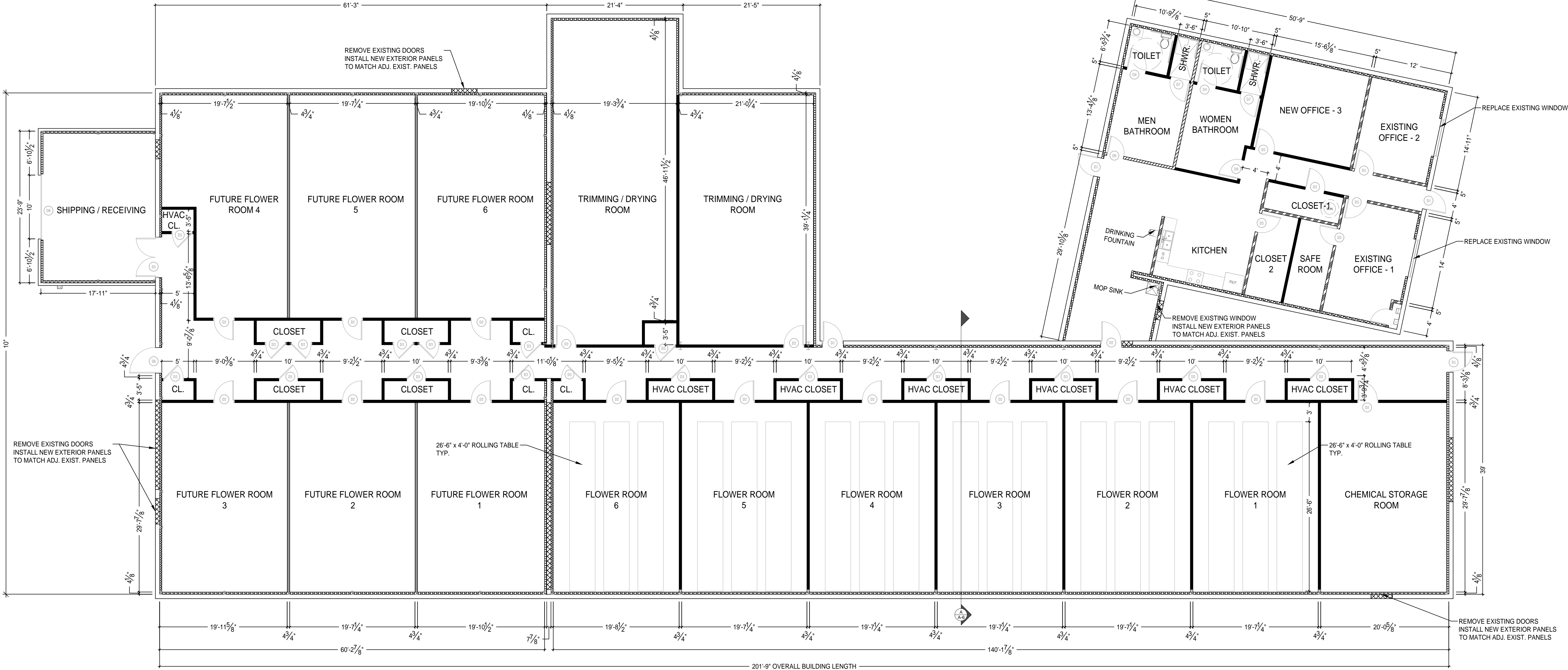
HARDWARE SET:

F: MFR HARDWARE

G:

MFR HARDWARE TO INCLUDE KEYED DEAD BOLT
AUTOMATIC ROL UP CONTROLS
HAND PULL CHAIN OPERATION
INSULATED DOOR
WEATHER STRIPPING
DOOR SILL PLATE

WALL LEGEND	
SYMBOL	DESCRIPTION
	NEW 2x4 MET. STUD @ 16" O.C. TO THE UNDERSIDE OF EXISTING PITCHED ROOF/CEILING (V.I.F) W/ 5/8" MOISTURE RESISTANT TYPE "X" FIRE CODE DRYWALL ON BOTH SIDES PRIME ONE COAT AND FINISH 2 COATS. U 305
	NEW 2x4 MET/ STUD 16" O.C. 12 FT. HT. W/ 5/8" MOISTURE RESISTANT TYPE "X" FIRE CODE DRYWALL ON BOTH SIDES. PRIME ONE COAT AND FINISH 2 COATS
	EXISTING EXTERIOR WALLS. PATCH REPAIR AND REPLACE AS NEC. PAINT ALL EXTERIOR.
	EXISTING INTERIOR WALLS - PATCH REPAIR & REPLACE D.W. AS NEC. PRIME & PAINT
	NEW 2x4 FURRING WALL @ 16" O.C. W/ 5/8" DRYWALL TO BE INSULATED W/ R-7 CLOSED CELL SPRAY FOAM ON ALL INTERIOR EXISTING WALLS
	INFILL DOOR OPENINGS TO MATCH EXISTING ADJACENT WALLS - INSULATE & PAINT
GENERAL NOTE:	
ALL EXTERIOR SIDING TO BE PATCHED REPAIRED REPLACED AS NECESSARY	
ALL BUILDING EXTERIOR TO BE REPAINTED	
6" VINYL BASE AT ALL NEW AND EXISTING WALLS	



PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"
NORTH



MARUSICH
ARCHITECTURE

36880 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304
SUITE 100

OFFICE: (248) 792-2949
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johnm@marusicharchitecture.com

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OWNER

**SHKRELI FAMILY
INVESTMENT**

403 STATE ST.
OWOSSO, MI 48867

PROJECT NAME

**OWOSSO MEDICAL
MARIJUANA
(SHKRELI FAMILY
INVESTMENT)**

403 STATE ST.
OWOSSO, MI 48867

PROJECT # 21 - 08

ISSUE DATE # 03/04/2021

REVISION HISTORY

OWNER REVIEW	03/05/2021
PERMIT SET	03/24/2021
PERMIT REVISION	05/03/2021

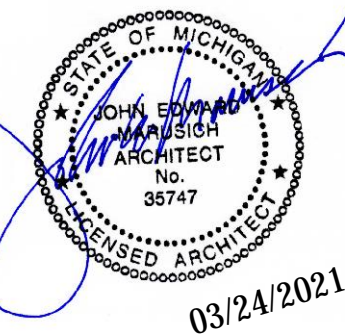
DRAWN BY: EY

CHECKED BY: JM

SHEET CONTENTS

PROPOSED FLOOR PLAN

SEAL



OWNER / OWNER'S AGENT APPROVED & ACCEPTED

DATE: / / 2020

SHEET #

A-3



August 19, 2021

Planning Commission
City of Owosso
301 W. Main Street
Owosso, Michigan 48867

Subject: **403 State Street Site Plan Review.** Approximately 1.40 acres, located on the east side of North Street, south of Lyon Street. Zoned I-1, Light Industrial.

Attention: Mr. Brad Hissong, Building Official

Dear Planning Commissioners:

At your request, we have completed our review of the above site plan to refurbish and existing building and repurpose it as a new marijuana growing facility along State Street and Lyon. The site development will include the updating an existing building, will have 16 parking spaces, new landscaping and will be accessed from both State Street and Lyon. The property is currently zoned I-1, Light Industrial, where this use is a permitted land use.

The opinions in this report are based on a review of the site plan submitted by the applicant and conformance to ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, additional information provided by the applicant, and your own findings based on ordinance standards as part of your deliberation.

REVIEW COMMENTS

Section 36-390 of the City of Owosso Zoning Ordinance lists the submittal requirements for site plan review. Based on our review of the proposal, discussions with Mr. Nathan Henne, City Manager, meetings with the applicant and a visit to the site, we offer the following comments for your consideration:

- 1. Information items.** The site plan meets the informational requirements of the ordinance.

2. Area and Bulk. The proposed site was reviewed in accordance with *Article 16, Schedule of Regulations*, as described in the following table.

	Required	Provided	Comments
403 State Street (I-1 Zoning)			
Front Yard Building Setback	40 ft	90 ft	In compliance
Side Yard Building Setback	50 (abutting residential)	0' & 14' ft	Not in compliance, but existing non-conforming
Rear Yard Building Setback	50 ft.	80 + ft.	In compliance
Maximum Building Height	40 ft.	19 ft	In compliance

3. Building Design & Materials. The ordinance states that durable building materials which provide an attractive, quality appearance must be utilized. **The applicant will be upgrading siding but matching original siding**

4. Building Height. The proposed building complies with the maximum building height.

5. Mechanical Units. No new mechanical units are proposed on the plan. **The applicant is proposing to provide screening by planting arborvitae around all exterior mechanical equipment, which is an acceptable option instead of fencing. We would recommend as a condition of approval that all screening landscaping shall be upkept and in good condition, and that fencing could be required as a future option for screening if the landscaping material should not survive or does not provide enough screening.**

6. Dumpster. The proposed dumpster meets ordinance requirements.

7. Parking Lot Requirements. This requirement has been met.

8. Landscaping. The landscaping plan is in compliance with the ordinance.

9. Buffering. Per Section 38.389, a buffering wall of durable and high-quality materials is required along the property line separating the industrial district from the residential district. The property has an existing fence and the applicant is proposing an additional row of landscaped screening along the existing fence. **The Planning Commission will need to approve the utilization of existing fence with additional landscaping as an alternative to replacing the fence with a screening wall.**

10. Lighting. Site lighting appears to meet the ordinance standards. **It is noted that all new lighting should be shielded and fixed at 90 degree angles toward the ground, not at a 45 degree or other degree angle from the pole or building.**

11. Other Approvals. The proposed site plan must be reviewed and approved by the appropriate city departments, consultants, and agencies.

RECOMMENDATION

Based upon the above comments, **we recommend approval of the 403 State Street Site Plan, conditioned upon the following:**

1. Submission of a revised site plan that satisfactorily addresses the items in this letter, for administrative review and approval;
2. Use of materials consistent with the ordinance that are acceptable to the Planning Commission;
3. Planning Commission approval of the existing fence and additional landscaping opposed to a new screening wall;
4. That all light fixtures are fixed in a 90 degree to the ground, downward facing position; and
5. Review and approval by the appropriate city departments, consultants, and agencies.

If you have any further questions, please contact us at 810-734-0000.

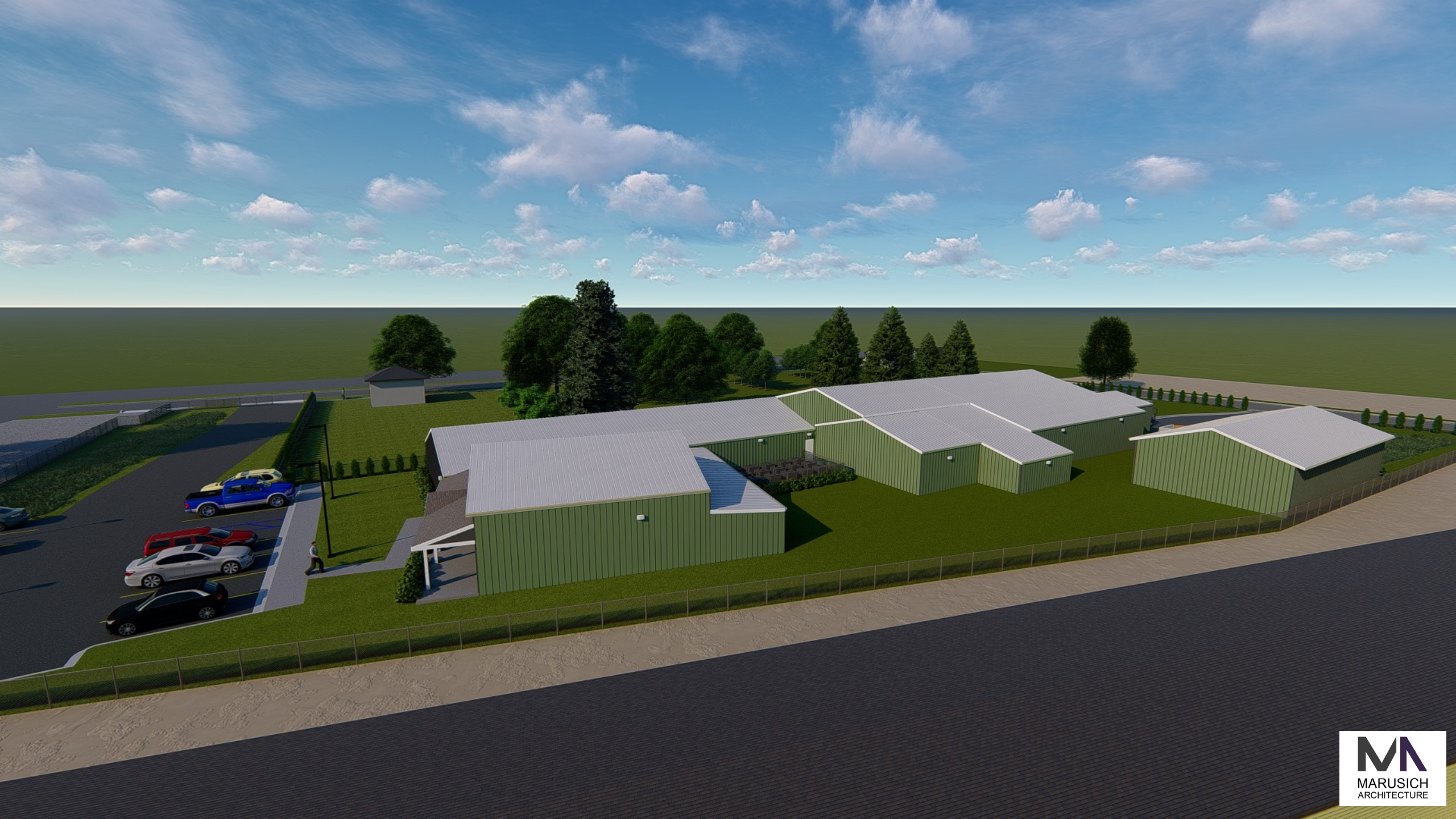
Sincerely,

CIB Planning

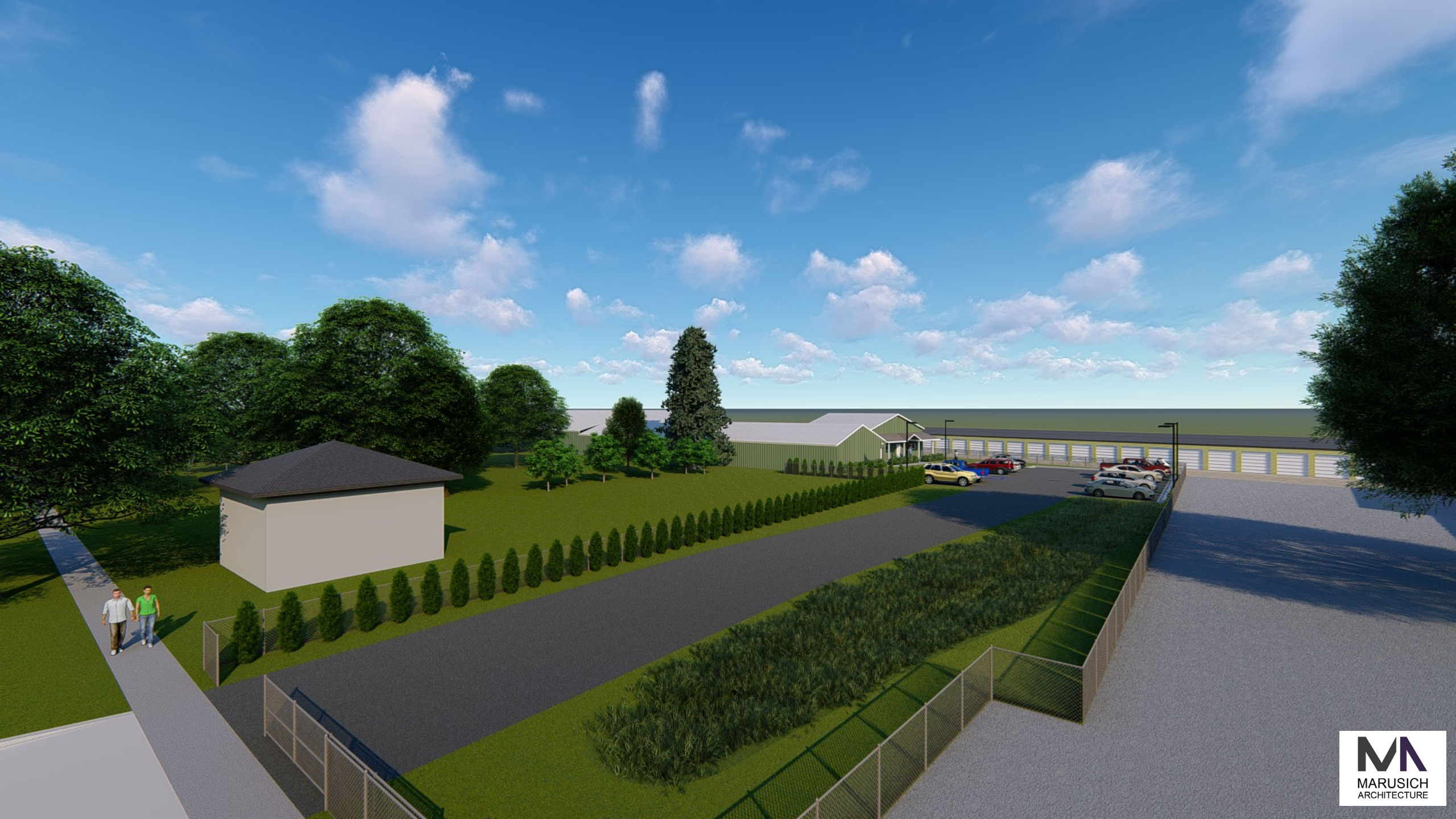


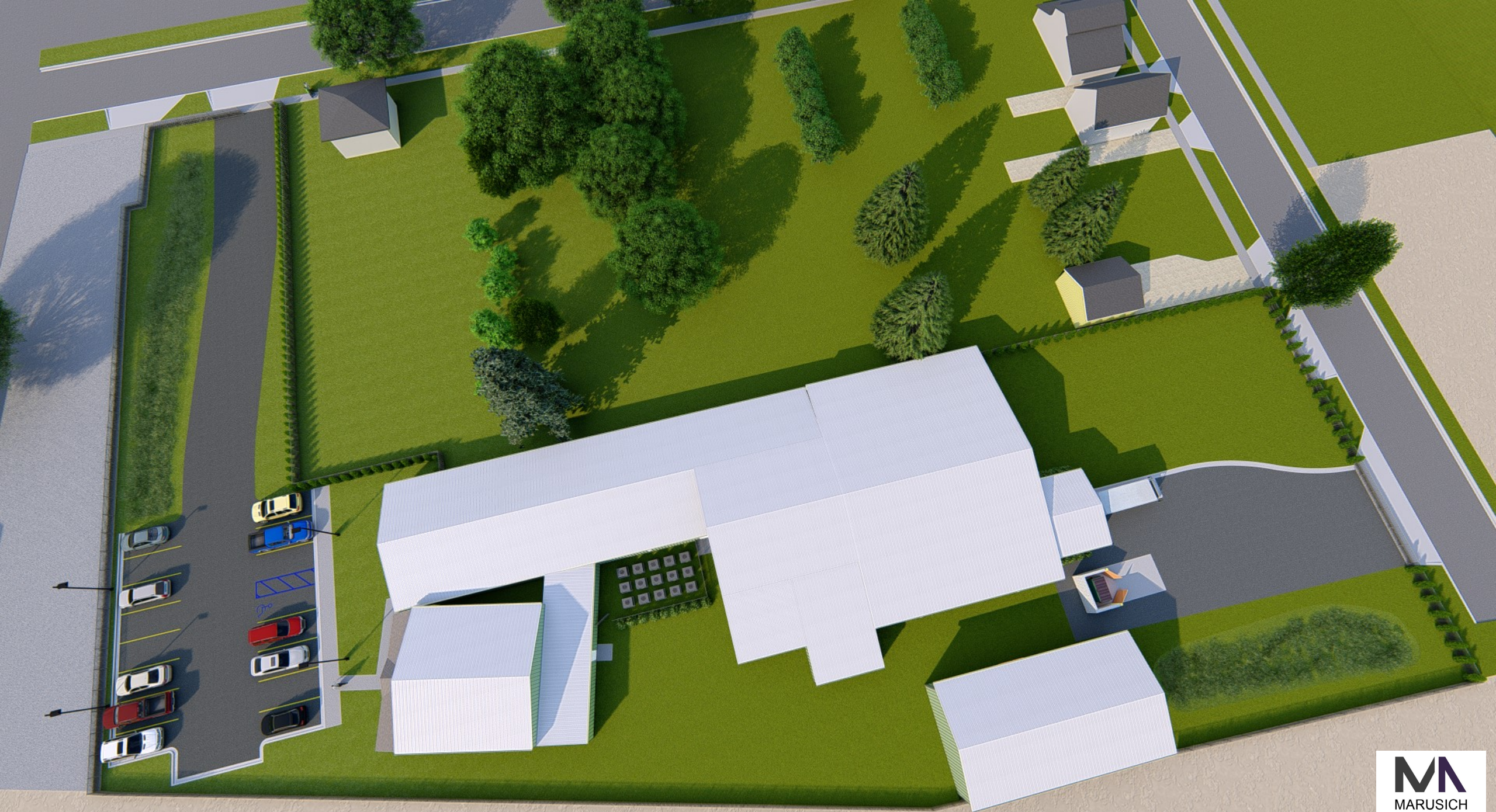
Justin Sprague
Vice President















ITEMS OF BUSINESS

CHAPTER 16.5 - MEDICAL MARIHUANA FACILITIES LICENSING—POLICE POWER ORDINANCE

Sec. 16.5-1. - Purpose.

- (a) It is the intent of this chapter 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 chapter to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the city through imposition of an annual, nonrefundable fee of five thousand dollars (\$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 chapter 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.
- (c) As of the effective date of this chapter, 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 chapter 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 zoning ordinance, as applicable under law.

(Ord. No. 793, § 1, 7-2-18)

Sec. 16.5-2. - Definitions.

For the purposes of this chapter:

- (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 means a permit authorized by the city 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 means a document endorsed by the city 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 the 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 chapter.

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.

(Ord. No. 793, § 1, 7-2-18)

Sec. 16.5-3. - Authorization of facilities and fee.

(a) The maximum number of each type of marihuana facility allowed in the city shall be as follows:

Facility	Number
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 (1) 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 chapter in an annual amount of five thousand dollars (\$5,000.00) as set by resolution of the city council.
- (d) The first four (4) provisioning center licenses shall be awarded via lottery. An application fee of five thousand dollars (\$5,000.00) 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 two thousand five hundred dollars (\$2,500.00) within thirty (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.

(Ord. No. 793, § 1, 7-2-18)

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 pursuant to the provisions of this chapter, 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.
- (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 and/or city. Any applicant with a provisional license that has not completed every task as required by the state and/or the city, 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 chapter and continued operation of any marihuana facility.
- (i) A marihuana facility license issued under this chapter 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.

(Ord. No. 793, § 1, 7-2-18)

Sec. 16.5-5. - License renewal.

- (a) A marihuana facility license shall be valid for one (1) 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.

(Ord. No. 793, § 1, 7-2-18)

Sec. 16.5-6. - Applicability.

The provisions of this chapter 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 chapter.

(Ord. No. 793, § 1, 7-2-18)

Sec. 16.5-7. - Penalties and enforcement.

- (a) Any person who violates any of the provisions of this chapter shall be responsible for a 90-day misdemeanor. Each day a violation of this chapter continues to exist constitutes a separate violation. A violator of this chapter shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
- (b) A violation of this chapter is deemed to be a nuisance per se. In addition to any other remedy available by law, the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this chapter.
- (c) This chapter 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.

(Ord. No. 793, § 1, 7-2-18)

Sec. 16.5-8. - Severability.

In the event that any one (1) or more sections, provisions, phrases or words of this chapter 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 chapter.

(Ord. No. 793, § 1, 7-2-18)

CHAPTER 16.6 - ADULT USE MARIHUANA ESTABLISHMENTS LICENSING—POLICE POWER ORDINANCE

Sec. 16.6-1. - Purpose.

- (a) It is the intent of this chapter to authorize the establishment of certain types of adult use marihuana facilities in the City of Owosso ("city") 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 chapter to help defray administrative and enforcement costs associated with the operation of an adult use marihuana establishment in the city through imposition of an annual, nonrefundable fee as listed on the city's fee schedule. Authority for the enactment of these provisions is set forth in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 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 chapter 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 Regulation and Taxation Act, Initiated Law 1 of 2018, MCL 333.27951 et seq.; and all other applicable rules promulgated by the state.
- (c) As of the effective date of this chapter, 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 chapter is intended to grant immunity from any criminal prosecution under federal laws.
- (d) All adult use marihuana establishment 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 zoning ordinance, as applicable under law.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-2. - Definitions.

- (a) For the purposes of this chapter:
 - (1) Any term defined by the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.
 - (2) 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.
 - (3) Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
- (b) *Definitions.*

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

Department means the Michigan Department of Licensing and Regulatory Affairs (LARA).

Industrial hemp means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

Licensee means a person holding a state license.

Marihuana means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
- (2) Industrial hemp; or
- (3) Any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

Marihuana concentrate means the resin extracted from any part of the plant of the genus *cannabis*.

Marihuana establishment means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.

Marihuana grower means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

Marihuana microbusiness means a person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana processor means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older.

Marihuana secure transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Marihuana safety compliance facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Municipal license means a license issued by a municipality pursuant to section 16 of the Michigan Regulation and Taxation Act that allows a person to operate a marihuana establishment in that municipality.

Municipality means a city, village, or township.

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

Process or processing means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

State license means a license issued by the department that allows a person to operate a marihuana establishment.

Unreasonably impracticable means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-3. - Authorization of facilities and fee.

- (a) The maximum number of each type of adult use marihuana establishment allowed in the city shall be as follows:

Establishment	Number
Grower	Unlimited
Processor	Unlimited
Retailer	4 (see Sec 16.6-3(e))
Safety compliance facility	Unlimited
Secure transporter	Unlimited

- (b) *Special licenses prohibited.* Pursuant to the MRTMA, section 6(1), the city elects to prohibit the licensing and operation of special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit as follows:

License Type	Number
Designated consumption establishment license	Prohibited
Excess marihuana grower license	Prohibited
Marihuana event organizer license	Prohibited
Temporary marihuana event license	Prohibited
Marihuana microbusiness	Prohibited

- (c) Planning commission shall review the number of allowed adult use marihuana establishments at the one (1) 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 establishment 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.
- (d) A nonrefundable fee shall be paid by each marihuana establishment licensed under this chapter in an annual amount as set by resolution of the city council.
- (e) Not more than a total of four (4) marihuana retailers may be authorized in the city, so long as the total combined number of single locations of marihuana retailers authorized under this chapter and marihuana provisioning centers authorized under the city's medical marihuana facilities ordinance does not exceed four (4) such authorized locations. By way of example, if three (3) marihuana provisioning centers under the medical marihuana facilities ordinance have been authorized at three (3) separate locations within the city, then only one (1) marihuana retailer may be authorized at a fourth separate location under this chapter. However, up to three (3) additional marihuana retailers could be authorized under this chapter, so long as they were co-located with the existing marihuana provisioning centers already authorized. Similarly, if four (4) marihuana provisioning centers have already been authorized under the medical marihuana facilities ordinance at four (4) separate locations, then no marihuana retailers may be authorized under this chapter unless they are co-located with the existing marihuana provisioning centers.
- (f) All adult use marihuana establishments as permitted by this chapter, shall be subject to the same zoning restrictions as the medical marihuana facilities as set forth in chapter 38 "zoning" of the City's Code of Ordinances. Specifically:
 - (1) Adult use marihuana growers shall be subject to the same zoning restrictions and requirements applicable to medical marihuana growers;
 - (2) Adult use marihuana processors shall be subject to the same zoning restrictions and requirements applicable to medical marihuana processors;
 - (3) Adult use marihuana retailers shall be subject to the same zoning restrictions and requirements applicable to medical marihuana provisioning centers;
 - (4) Adult use marihuana safety compliance facility shall be subject to the same zoning restrictions and requirements applicable to medical marihuana safety compliance facility;
 - (5) Adult use marihuana secure transporter shall be subject to the same zoning restrictions and requirements applicable to medical marihuana secure transporter.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-4. - Requirements and procedure for issuing license.

- (a) No person shall operate an adult use marihuana establishment in City of Owosso without a valid adult use marihuana establishment license issued by the city pursuant to the provisions of this chapter, 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 an adult use marihuana establishment shall file an application in the building department office upon a form provided by the city.
- (d) Applications to operate any adult use marihuana establishment shall include proof of a duly issued adult use marihuana establishment license by the State of Michigan. Any application delivered to the

city without the aforementioned adult use marihuana establishment license 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 establishment 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 conditional license.
- (f) A conditional license means only that the applicant has submitted a valid application for an adult use marihuana establishment license that has been considered and approved by the city, and the applicant shall not locate or operate a marihuana establishment without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the city.
- (g) Applicant's receipt of a conditional 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 and/or city. Any applicant with a conditional license that has not completed every task as required by the state and/or the city, within eight (8) months after receipt of the conditional license from the city will result in revocation of applicant's city issued conditional 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.
- (h) 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 establishment license. The building department shall issue marihuana establishment licenses in order of the sequential application number previously assigned.
- (i) Maintaining a valid adult use marihuana establishment license issued by the state is a condition for the issuance and maintenance of an adult use marihuana establishment license under this chapter and continued operation of any adult use marihuana establishment.
- (j) An adult use marihuana establishment license issued under this chapter is not transferable.
- (k) 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.
- (l) The placement of restrictions by the state on a state operating license applies equally to an adult use marihuana establishment license issued by the city.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-5. - License renewal.

- (a) An adult use marihuana establishment license shall be valid for one (1) year from the date of issuance, unless revoked as provided by law.
- (b) A valid adult use marihuana establishment license may be renewed, on an annual basis, by submitting an application and payment of the annual license fee. Application to renew an adult use marihuana establishment 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.
- (d) The revocation, suspension, and placement of restrictions by the state on a state operating license apply equally to an adult use marihuana establishment license issued by the city.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-6. - Applicability.

The provisions of this chapter shall be applicable to all persons and establishments described herein, whether the operations or activities associated with an adult use marihuana establishment were established without authorization before the effective date of this chapter.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-7. - Penalties and enforcement.

- (a) Any person who disobeys, neglects, or refuses to comply with any provision of this chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this chapter. A violation of this chapter is deemed to be a nuisance per se.
- (b) Any person who violates any of the provisions of this chapter shall be responsible for a civil infraction, for which the punishment for a first violation shall be a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), in the discretion of the court. The punishment for a second or subsequent violation shall be a fine of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), in the discretion of the court. For purposes of this section, "second or subsequent violation" means a violation of the provisions of this chapter committed by the same person within twelve (12) months of a previous violation of the same provision of this chapter for which said person pled or was adjudicated guilty. The foregoing penalties shall be in addition to the rights of the city to proceed at law or in equity with other appropriate and proper remedies.
- (c) This chapter 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 establishment;
 - (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 establishment 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 establishment 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 establishment is determined by the city to have become a public nuisance.
 - (8) The establishment's state operating license has been suspended or revoked.
 - (9) Possession, sale or consumption of any form of alcohol upon the premises of any licensed adult use marihuana establishment.

- (10) A licensed adult use marihuana establishment emitting marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. A licensed adult use marihuana establishment shall install and maintain in operable condition a system which precludes the emission of marihuana odor from the premises.

([Ord. No. 803](#), § 1, 2-3-20)

Sec. 16.6-8. - Severability.

In the event that any one (1) or more sections, provisions, phrases or words of this chapter 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 chapter.

([Ord. No. 803](#), § 1, 2-3-20)

ITEMS OF BUSINESS

ADULT USE PROPOSED AMENDMENT RECOMMENDATION

Sec. 16.6-3. - Authorization of facilities and fee.

- (a) The maximum number of each type of adult use marihuana establishment allowed in the city shall be as follows:

Establishment	Number
Grower	Unlimited
Processor	Unlimited
Retailer	4 (see Sec 16.6-3(e))
Safety compliance facility	Unlimited
Secure transporter	Unlimited
EXCESS MARIHUANA GROWER	UNLIMITED

- (b) *Special licenses prohibited.* Pursuant to the MRTMA, section 6(1), the city elects to prohibit the licensing and operation of **SPECIFIC** special licenses within its boundaries to the extent it is permitted to prohibit them under the Act, which shall specifically prohibit as follows:

License Type	Number
Designated consumption establishment license	Prohibited
Excess marihuana grower license	Prohibited
Marihuana event organizer license	Prohibited
Temporary marihuana event license	Prohibited
Marihuana microbusiness	Prohibited

- (c) Planning commission shall review the number of allowed adult use marihuana establishments at the one (1) 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 establishment 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.

- (d) A nonrefundable fee shall be paid by each marihuana establishment licensed under this chapter in an annual amount as set by resolution of the city council.
- (e) Not more than a total of four (4) marihuana retailers may be authorized in the city, so long as the total combined number of single locations of marihuana retailers authorized under this chapter and marihuana provisioning centers authorized under the city's medical marihuana facilities ordinance does not exceed four (4) such authorized locations. By way of example, if three (3) marihuana provisioning centers under the medical marihuana facilities ordinance have been authorized at three (3) separate locations within the city, then only one (1) marihuana retailer may be authorized at a fourth separate location under this chapter. However, up to three (3) additional marihuana retailers could be authorized under this chapter, so long as they were co-located with the existing marihuana provisioning centers already authorized. Similarly, if four (4) marihuana provisioning centers have already been authorized under the medical marihuana facilities ordinance at four (4) separate locations, then no marihuana retailers may be authorized under this chapter unless they are co-located with the existing marihuana provisioning centers.
- (f) All adult use marihuana establishments as permitted by this chapter, shall be subject to the same zoning restrictions as the medical marihuana facilities as set forth in chapter 38 "zoning" of the City's Code of Ordinances. Specifically:
 - (1) Adult use marihuana growers **AND EXCESS MARIHUANA GROWERS** shall be subject to the same zoning restrictions and requirements applicable to medical marihuana growers;
 - (2) Adult use marihuana processors shall be subject to the same zoning restrictions and requirements applicable to medical marihuana processors;
 - (3) Adult use marihuana retailers shall be subject to the same zoning restrictions and requirements applicable to medical marihuana provisioning centers;
 - (4) Adult use marihuana safety compliance facility shall be subject to the same zoning restrictions and requirements applicable to medical marihuana safety compliance facility;
 - (5) Adult use marihuana secure transporter shall be subject to the same zoning restrictions and requirements applicable to medical marihuana secure transporter.

([Ord. No. 803](#), § 1, 2-3-20)



Could you provide clarification on excess marijuana grower licenses?

To be issued an excess marijuana grower license, you must:

- Hold five marijuana grower class C licenses under the **Michigan Regulation and Taxation of Marijuana Act (MRTMA)**

AND

- Hold at least two grower class C licenses under the **Medical Marijuana Facilities Licensing Act (MMFLA)**.

The number of MMFLA grower class C licenses held determines the number of Excess marijuana plants allowed. Based on the medical marijuana plant count, a licensee is allowed to grow in increments of 2,000 plants under the excess marijuana grower license, up to what is allowed on the medical side.

Examples:

If a licensee had five grower class C licenses under the MRTMA and had:

- Two class C grower licenses under the MMFLA (growing up to 3,000 medical marijuana plants)
 - Under the excess marijuana grower license, a licensee can grow in increments of 2,000 plants – up to what is allowed on the medical side.
 - In this example, the licensee would be authorized to grow 2,000 marijuana plants under the excess marijuana grower license.
 - The 2,000 plants authorized to be grown under the excess marijuana grower license would be in addition to the 10,000 plants authorized to be grown under the five grower class C licenses issued under the MRTMA.
- Three class C grower licenses under the MMFLA (growing up to 4,500 medical marijuana plants)
 - Under the excess marijuana grower license, a licensee can grow in increments of 2,000 plants – up to what is allowed on the medical side.
 - In this example, the licensee would be authorized to grow 4,000 marijuana plants under the excess marijuana grower license.
 - The 4,000 plants authorized to be grown under the excess marijuana grower license would be in addition to the 10,000 plants authorized to be grown under the five grower class C licenses issued under the MRTMA.



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