



CITY OF OWOSSO PLANNING COMMISSION
Regular Meeting
Monday, November 28, 2022 at 6:30 p.m.
AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. APPROVAL OF AGENDA – November 28, 2022**
- E. APPROVAL OF MINUTES – August 22, 2022**
- F. ELECTION OF OFFICERS (DUE in July of 2023)**
- G. PUBLIC HEARINGS:**
 - 1. Zoning Ordinance Text Amendments to allow for drive-thru window service at marihuana retail locations
- H. SITE PLAN REVIEWS: None**
- I. ITEMS OF BUSINESS:**
 - 1. Zoning Ordinance Full Re-Write/Amendments – Review and Discussion
- J. COMMISSIONER/CITIZEN COMMENTS:**
- K. ADJOURNMENT**

Next regular meeting will be on Monday, December 12, 2022 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, August 22, 2022 – 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: Recording Secretary Molly Hier

MEMBERS PRESENT: Secretary Fear, Commissioner Law, Vice-Chair Livingston, Commissioners Martin, Robertson, Taylor and Chairman Wascher

MEMBERS ABSENT: Commissioners Jenkins and Schlaack

OTHERS PRESENT: Tanya Buckelew, Planning & Building Director & Justin Sprague, CIB Planning

APPROVAL OF AGENDA:
MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY SECRETARY FEAR TO APPROVE THE AGENDA FOR August 22, 2022.

YEAS ALL. MOTION CARRIED.

APPROVAL OF MINUTES:
MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY SECRETARY FEAR TO APPROVE THE MINUTES FOR THE July 25, 2022 MEETING.

YEAS ALL. MOTION CARRIED.

PUBLIC HEARINGS: NONE

MOTION BY SECRETARY FEAR SUPPORTED BY COMMISSIONER TAYLOR TO RECUSE COMMISSIONER MARTIN FROM THE SITE PLAN REVIEW OF 219 N WATER STREET DUE TO HIS PROJECT INVOLVEMENT AND CONFLICT OF INTEREST.

YEAS ALL. MOTION CARRIED.

SITE PLAN REVIEWS:

1. 219 N WATER STREET

Vickie Droste, Consultant for Venture Inc. explained the property is proposed to be 50 new low-income apartments. The lunchroom, gym and auditorium are being considered as future commercial spaces. The developer is seeking preliminary approval from the Planning Commission in order to submit their application to MSHDA by October 1, 2022 for funding. They will also be pursuing a State Historic Preservation Grant.

Justin Sprague, CIB Planning, stated if commercial uses are planned, then further review would be required to ensure there is enough parking.

Chairman Wascher confirmed project start date could be anywhere from 1-2 years depending on grant approvals.

Justin Horvath, 818 S. Washington spoke in support of the project, believes this will help with the shortage in housing and bring more people to Owosso's downtown. He spoke on the competitiveness of the MSHDA funding program.

Discussion was held regarding the amphitheater.

Review comments from Justin Sprague, City Planner

1. **Information items.** The site plan meets the informational requirements of the ordinance.
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
219 N Water Street (RM-2 Zoning)			
Front Yard Building Setback	30 ft.		Not provided on plan
Side Yard Building Setback	20 ft.		In compliance but not shown on plan
Rear Yard Building Setback	30 ft.		In compliance but not shown on plan
Maximum Building Height	35 ft.		Appears in compliance but not shown on plan

2. **Building Design & Materials.** The ordinance states that durable building materials which provide an attractive, quality appearance must be utilized. The proposed building materials are acceptable for the RM-2 District and will not be changed from the existing structure.
3. **Building Height.** The existing building complies with the maximum building height.
4. **Mechanical Units.** The plan does not identify if new mechanical units such as air conditioners or other types of units will be added to the site. Any proposed units and their screening must be provided on the plan.
5. **Dumpster.** The proposed plan currently shows two dumpster enclosure areas but does not include screening details. Details must be provided for Planning Commission or Administrative review.
6. **Parking Lot Requirements.** The parking areas are proposed to be resurfaced with the addition of some new green spaces. The number of parking spaces is over and above the ordinance requirements.
7. **Landscaping.** It does appear that new landscaping is proposed. The applicant must submit a landscaping plan indicating what plant material will be planted to ensure conformance with the ordinance.
8. **Lighting.** The site plan does not indicate any proposed lighting. A lighting plan is required for any new lighting proposed to ensure conformance with the ordinance. 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.

9. **Other approvals.** The proposed site plan must be reviewed and approved by the appropriate city departments, consultants and agencies.

Recommend approval conditioned upon the following:

1. An updated site plan with all dimensions shown on the plan including exact setback distances and building height;
2. Identification of proposed dumpster screening and materials to be used;
3. Clarification of plan species for any new landscaping is proposed;
4. The location and screening of any proposed mechanical units;
5. A lighting plan showing any new proposed lighting and that all light fixtures are fixed in a 90 degree to the ground, downward facing position; and
6. Final administrative review and approval of the updated site plan by the appropriate city departments, consultants and agencies.

MOTION BY VICE-CHAIR LIVINGSTON SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE SITE PLAN REVIEW FOR 219 N WATER STREET FOR THE RENOVATIONS TO THE FORMER OWOSSO MIDDLE SCHOOL TO CREATE NEW RESIDENTIAL, MULTI-FAMILY UNITS.

YEAS: SECRETARY FEAR, COMMISSIONER LAW, VICE-CHAIR LIVINGSTON, COMMISSIONER ROBERTSON, TAYLOR AND CHAIRMAN WASCHER
NAYS: NONE
RCV: 6-0 MOTION CARRIED

ITEMS OF BUSINESS: NONE

COMMISSIONER/CITIZEN COMMENTS:

Secretary Fear inquired about the Matthews Building site and other property developments throughout town. Tanya Buckelew stated the demo company for the Matthews Building will be onsite in the next two weeks to remove the remaining portion.

Draft of the zoning re-write to the board in the coming months for review and eventual approval. With completion by Spring 2023.

Justin Horvath stated he is working with Habitat for Humanity whose project has been pushed back to 2023 and the owners of 715 S. Washington have been working mostly on the inside of the church to prepare for residential units.

ADJOURNMENT:

MOTION BY SECRETARY FEAR SUPPORTED BY VICE-CHAIR LIVINGSTON TO ADJOURN AT 7:08 PM UNTIL THE NEXT MEETING ON September 26, 2022.

YEAS ALL, MOTION CARRIED

Janae Fear, Secretary

OFFICIAL NOTICE OF CITY OF OWOSSO
PUBLIC HEARING NOTICE
ORDINANCE AMENDMENT

The City of Owosso Planning Commission will hold a public hearing to receive citizen comment during its regular meeting on Monday, November 28, 2022 at or about 6:30 pm regarding text amendments to the Zoning Ordinance to allow for drive-thru window service at marihuana retail locations. A complete copy of the ordinance is available in the city clerk's office, located at 301 W. Main Street.

The public hearing will include Zoning Ordinance text amendments to the following:

- a. ARTICLE IX. B-1 LOCAL BUSINESS DISTRICT
Sec. 38-197. Principal uses permitted.
(11) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power ordinance, chapter 16.5.
2. Indoor activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- b. ARTICLE X. B-2 PLANNED SHOPPING CENTER DISTRICTS
Sec. 38-217. Principal uses permitted.
(4) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
2. Indoor activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- c. ARTICLE XI. B-3 CENTRAL BUSINESS DISTRICT
Sec. 38-242. Principal uses permitted.
(9) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing - police power authorizing ordinance.
2. Indoor activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- d. ARTICLE XII. B-4 GENERAL BUSINESS DISTRICTS
Sec. 38-267. Principal uses permitted.
(10) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
2. Indoor activities. All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.

The City of Owosso Planning Commission reserves the right to make changes in the above-mentioned proposed text amendment(s) at the public hearing.

MEETING INFORMATION: Owosso City Planning Commission regular meeting on Monday, November 28, 2022. The meeting will be held in the lower level of the Owosso City Hall at or soon after 6:30 p.m.

PUBLIC COMMENTS: The public is welcome to attend and comments are encouraged. Written comments may be submitted to the city clerk's office at city hall or to

Tanya Buckelew at tanya.buckelew@ci.owosso.mi.us any time prior to the meeting.

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio 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 K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 or at (989) 725-0500. The City of Owosso Website address is www.ci.owosso.mi.us.



803 W Big Beaver Rd Ste 202 Troy, MI 48084
(248) 268-8235 | licensing@jarscannabis.com

October 24, 2022

City of Owosso

301 W Main St
Owosso, MI 48867

To Whom It May Concern:

Please accept this letter as our formal request to amend ordinance Section 38-242(g)(a)(2) to allow drive-thru windows at marijuana provisioning centers.

Our proposed building at 200 E Main was previously utilized as a bank building that had drive-thru service. Our existing site is not in downtown. Authorizing a drive-thru window allows our customers ease of access to submit online orders and easily pick up. The window service also creates less curbside traffic pulling in and out of parking spots. A drive-thru window will be convenient for residents, and more accessible for our handicap customers.

We've been in contact with the Michigan Department of Transportation which has authorized this request from their perspective. Since this site was previously set up as a bank, the ingress/egress has already been optimized for drive through customers not to spill out into the roadway.

If you have any additional question, please contact Lisa Dawdy with additional questions at (616) 551-3855 or lisa.dawdy@jarscannabis.com

Sincerely,

A handwritten signature in black ink, appearing to be 'Hani Kassab Jr', written in a cursive style.

Hani Kassab Jr

ARTICLE IX. B-1 LOCAL BUSINESS DISTRICT

Sec. 38-196. Intent.

The B-1 local business districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

(Code 1977, § 5.34)

Sec. 38-197. Principal uses permitted.

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

- (1) Generally recognized retail businesses which supply commodities on the premises, such as but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware;
- (2) Personal service establishments which perform services on the premises, such as but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, photographic or interior decorating studios and self-service laundries and drycleaners;
- (3) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales;
- (4) Dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited;
- (5) Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices, and real estate offices;
- (6) Professional services including the following: offices of doctors, dentists, osteopaths and similar or allied professions, including clinics;
- (7) Off-street parking;
- (8) Other uses similar to the above uses;
- (9) Accessory structures and uses customarily incident to the above permitted uses;
- (10) Residential structures existing as of January 1, 2012.
- (11) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power ordinance, chapter 16.5.
 - a. Provisioning centers shall be subject to the following standards:
 1. *Hours.* A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
 2. ~~*Indoor activities.* All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.~~
 2. *Contactless or limited contact transactions.* A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a

contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

3. *Other activities.* Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed inside or outside of the building space occupied by the provisioning center.
4. *Nonconforming uses.* A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
5. *Physical appearance.* The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
6. *Buffer zones.* A provisioning center may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center 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 provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residential zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within one hundred (100) feet of a parcel on which another medical marijuana provisioning center is located. The distance between two (2) medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.
7. *Odor.* As used in this subsection, building means the building, or portion thereof, used for a provisioning center.

- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
- ii. The filtration system shall consist of one (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.
- iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
- iv. Negative air pressure shall be maintained inside the building.
- v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state 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.

(Code 1977, § 5.35; Ord. No. 729, § 1, 2-6-12; Ord. No. 793, § 3, 7-2-18; Ord. No. 795, § 1, 3-18-19)

Sec. 38-198. Required conditions.

The following conditions are required in a B-1 district:

- (1) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

(Code 1977, § 5.36)

Sec. 38-199. Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (1) Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
 - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

- b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required.
- (2) Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations;
- (3) Mortuary establishments subject to the conditions of section 38-173;
- (4) One-, two- and multiple-family residential dwellings within a business structure, subject to the conditions of section 38-173(4).

(Code 1977, § 5.37)

X = Minimum distance a driveway or curb cut, for access, can be located from a street intersection.

Y = Minimum distance a driveway or curb cut, for access, can be located from an adjoining property line.

LOCATIONS OF DRIVEWAYS FOR GASOLINE SERVICE STATION

Sec. 38-200. Area and bulk requirements.

See article XVI, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for B-1 districts.

(Code 1977, § 5.38)

Sec. 38-201. General provisions.

See article XVII, general provisions, for requirements governing off-street parking, signs, walls and other provisions for B-1 districts.

(Code 1977, § 5.39)

Secs. 38-202—38-215. Reserved.

ARTICLE X. B-2 PLANNED SHOPPING CENTER DISTRICTS

Sec. 38-216. Intent.

The B-2 planned shopping center districts are designed to cater to the needs of a larger consumer population than is served by the local business districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

(Code 1977, § 5.40)

Sec. 38-217. Principal uses permitted.

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

- (1) Any retail business or service establishment permitted in B-1 districts as principal uses permitted;
- (2) All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
 - b. Any service establishment of an office, showroom or workshop nature of a decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct;
 - c. Private clubs, fraternal organizations and lodge halls;
 - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in;
 - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
 - f. Business schools and colleges or private schools operated for profit;
 - g. Other uses similar to the above uses;
 - h. Accessory structures and uses customarily incident to the above permitted uses.
 - i. Smoking lounges shall not be located within one thousand (1,000) feet of another smoking lounge, any park identified and so signed by the city, or any public or private school, college, or university property, nor shall any smoking lounge be located within five hundred (500) feet of the following uses, as defined and measured by the Michigan Liquor Control Act, MCL 436.15031:
 1. Any house of worship;
 2. Any parcel zoned and used for residential purposes;
 3. Any licensed day care facility;
 4. Any public library.
- (3) Residential structures existing as of January 1, 2012.
- (4) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:

1. *Hours.* A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
2. ~~*Indoor activities.* All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.~~
2. *Contactless or limited contact transactions.* A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.
3. *Other activities.* Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
4. *Nonconforming uses.* A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
5. *Physical appearance.* The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
6. *Buffer zones.* A provisioning center may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center 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 provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

- iv. No parcel containing a medical marijuana provisioning center shall be located within one hundred (100) feet of a parcel on which another medical marijuana provisioning center is located. The distance between two (2) medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.
7. *Odor.* As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - ii. The filtration system shall consist of one (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.
 - iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
 - iv. Negative air pressure shall be maintained inside the building.
 - v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state 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.

(Code 1977, § 5.41; Ord. No. 721, §§ 3, 4, 4-18-11; Ord. No. 729, § 1, 2-6-12; Ord. No. 762, § 2, 3-16-15; Ord. No. 793, § 4, 7-2-18; Ord. No. 795, § 2, 3-18-19)

Sec. 38-218. Required conditions.

The following conditions are required in a B-2 district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in section 38-219 below, shall be conducted within completely enclosed buildings.
- (3) All uses permitted in the B-2 district shall be subject to the review and approval of the site plan by the planning commission in accordance with section 38-390.

(Code 1977, § 5.42)

Sec. 38-219. Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (1) Open air business uses when developed in planned relationship with the B-2 district as follows:
 - a. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies provided further that such uses shall be located at the exterior of the building mass located in a B-2 district;
 - b. Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a B-2 district, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot chain link type fence; provided further that such uses shall not be located closer than four hundred (400) feet to a residential district.
- (2) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district;
- (3) Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-2 district;
- (4) Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.

(Code 1977, § 5.43)

Sec. 38-220. Area and bulk requirements.

See article XVI, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for B-2 districts.

(Code 1977, § 5.44)

Sec. 38-221. General provisions.

See article XVII, general provisions, for requirements governing off-street parking, signs, walls and other provisions for B-2 districts.

(Code 1977, § 5.45)

Secs. 38-222—38-240. Reserved.

ARTICLE XI. B-3 CENTRAL BUSINESS DISTRICT

Sec. 38-241. Intent.

The B-3 central business district is designed to provide for office buildings and the great variety of retail stores and related activities which occupy the prime retail frontage by serving the comparison, convenience and service needs of the entire municipal area as well as a substantial area of the adjacent and surrounding residential developments beyond the limits of the municipality. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a continuous retail frontage and by prohibiting automobile related services and nonretail uses which tend to break up such continuity.

(Code 1977, § 5.46)

Sec. 38-242. Principal uses permitted.

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

- (1) Any retail business or service establishment permitted in the B-2 district as principal uses permitted;
- (2) Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its product or merchandise, and provided that, the ground floor premises facing upon, and visible from, any abutting street shall be used only for entrances, offices, or display. All storage of materials of any kind shall be within the confines of the building or part thereof occupied by said establishment;
- (3) Newspaper offices and printing plants;
- (4) Storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment;
- (5) Hotels;
- (6) Other uses similar to the above uses;
- (7) Accessory structures and uses customarily incident to the above permitted uses;
- (8) Residential structures existing as of January 1, 2012.
- (9) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing - police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 1. *Hours.* A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
 2. ~~*Indoor activities.* All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive thru window service.~~
 2. *Contactless or limited contact transactions.* A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be

completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

3. *Other activities.* Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
4. *Nonconforming uses.* A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
5. *Physical appearance.* The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
6. *Buffer zones.* A provisioning center may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center 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 provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within one hundred (100) feet of a parcel on which another medical marijuana provisioning center is located. The distance between two (2) medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.
7. *Odor.* As used in this subsection, building means the building, or portion thereof, used for a provisioning center.

- i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
- ii. The filtration system shall consist of one (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.
- iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
- iv. Negative air pressure shall be maintained inside the building.
- v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state 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.

(Code 1977, § 5.47; Ord. No. 729, § 1, 2-6-12; Ord. No. 793, § 5, 7-2-18; Ord. No. 795, § 3, 3-18-19)

Sec. 38-243. Uses permitted subject to special conditions.

The following uses shall be permitted in a B-3 district subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (1) One-, two- and multiple-family residential dwelling units within a business structure subject to the conditions of section 38-173(4). For dwelling units located in the area described in section 38-380(11), these additional development standards shall apply:
 - a. The owner of the dwelling unit shall be responsible for providing area for trash disposal adequate to service each dwelling unit.
 - b. If the open space standard for dwelling units specified in section 38-123(c) are not met, the owner of the dwelling unit may substitute any combination of these open space equivalents per unit to meet the section 38-123(c) standard:
 1. Ground floor bicycle storage at twenty-five (25) square foot per apartment, fifty (50) square foot credit.
 2. Central air conditioning, one hundred fifty (150) square foot credit per unit.
 3. Laundry hook-ups/laundry room, fifty (50) square foot credit.
 4. Rooftop garden or patio (minimum one hundred fifty (150) square feet), two hundred (200) square foot credit.
 5. Indoor stove top grill, fifty (50) square foot credit.
 6. Minimum eight (8) square feet of skylight windows, fifty (50) square foot credit.

7. Minimum four-foot by ten-foot rear yard balcony with wrought iron railing, two hundred (200) square foot credit.
8. Whirlpool or Jacuzzi tub, one hundred fifty (150) square foot credit.

(Code 1977, § 5.48; Ord. No. 576, § 1, 1-19-99)

Sec. 38-244. Required conditions.

The following conditions are required in a B-3 district:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking, or loading, shall be conducted within completely enclosed buildings.

(Code 1977, § 5.49)

Sec. 38-245. Area and bulk requirements.

See article XVI, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for B-3 districts.

(Code 1977, § 5.50)

Sec. 38-246. General provisions.

See article XVII, general provisions, for requirements governing off-street parking, signs, walls and other provisions for B-3 districts.

(Code 1977, § 5.51)

Sec. 38-247. Uses requiring a special use permit.

The following uses are permitted in the B-3 District by issuance of a special use permit:

- (1) Commercial recreation operations in upper stories of commercial buildings in accordance with section 38-454(i).

(Ord. No. 553, § 1, 3-18-96)

Secs. 38-248—38-265. Reserved.

ARTICLE XII. B-4 GENERAL BUSINESS DISTRICTS

Sec. 38-266. Intent.

The B-4 general business districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement to the local planned shopping center or central business districts.

(Code 1977, § 5.52)

Sec. 38-267. Principal uses permitted.

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

- (1) Any retail business or service establishment permitted in the B-1, B-2 and B-3 districts as principal uses permitted;
- (2) Mortuary establishments subject to the conditions of section 38-173;
- (3) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, or other commercial recreation operation when completely enclosed in a building;
- (4) New and used motor vehicle salesroom, showroom, or office;
- (5) Public utility offices, exchanges, transformer stations and substations, pump stations but not including outdoor storage;
- (6) Establishments of plumbers, heating contractors, decorators and electricians or similar trades;
- (7) Other uses similar to the above uses;
- (8) Accessory structures and uses customarily incident to the above permitted uses;
- (9) Residential structures existing as of January 1, 2012.
- (10) A marihuana provisioning center as authorized by the city's medical marihuana facilities licensing — police power authorizing ordinance.
 - a. Provisioning centers shall be subject to the following standards:
 1. *Hours.* A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 8:00 a.m. and 9:00 p.m.
 2. ~~*Indoor activities.* All activities of a provisioning center, including all transfers of marihuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive thru window service.~~
 2. *Contactless or limited contact transactions.* A marihuana provisioning center may designate an area for contactless or limited contact transactions either by curbside service or a drive through window service. Contactless or limited contact transactions must be completed during normal business hours. Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

3. *Other activities.* Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
4. *Nonconforming uses.* A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
5. *Physical appearance.* The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
6. *Buffer zones.* A provisioning center may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as stipulated in the Michigan Liquor Control Act.
 - i. A provisioning center 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 provisioning center 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 provisioning center and from the part of the provisioning center nearest to the school building.
 - ii. A provisioning center may not be located within one hundred (100) feet of a residentially zoned structure. The distance between the residentially zoned structure and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the residentially zoned structure.
 - iii. A provisioning center may not be located within one hundred (100) feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the provisioning center must be measured along the center line of the street or streets of address between 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 provisioning center and from the part of the provisioning center nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
 - iv. No parcel containing a medical marijuana provisioning center shall be located within one hundred (100) feet of a parcel on which another medical marijuana provisioning center is located. The distance between two (2) medical marijuana provisioning centers 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 nearest part of each provisioning center to the other provisioning center.
7. *Odor.* As used in this subsection, building means the building, or portion thereof, used for a provisioning center.
 - i. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

- ii. The filtration system shall consist of one (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.
- iii. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days.
- iv. Negative air pressure shall be maintained inside the building.
- v. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- vi. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state 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.

(Code 1977, § 5.53; Ord. No. 729, § 1, 2-6-12; Ord. No. 793, § 6, 7-2-18; Ord. No. 795, § 4, 3-18-19)

Sec. 38-268. Principal uses permitted subject to special conditions.

The following uses shall be permitted in a B-4 district subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the site plan by the planning commission in accordance with section 38-390:

- (1) Gasoline service stations including rustproofing/undercoating as an incidental use, subject further to the conditions of section 38-199;
- (2) Outdoor sales for exclusive sale of new and secondhand automobiles, housetrailer, or rental of trailers and/or automobiles, and undercoating/rustproofing as an incidental use, all subject to the following:
 - a. The lot or area used for sales or display shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent residential districts.
- (3) Motel, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
 - c. No guest shall establish residence at a motel for more than thirty (30) days within any calendar year.
- (4) Business in the character of a drive-in or open front store, subject to the following conditions:

- a. A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained.
 - b. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A six-foot high, completely obscuring wall shall be provided when abutting or adjacent districts are zoned for any residential, OS-1, B-1, B-2, B-3 or B-4 districts. The wall shall further meet the requirements of article XVII, general provisions.
- (5) Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of the street;
 - (6) Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
 - a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
 - (7) Auto wash when completely enclosed in a building. Drainage of water onto adjacent property or toward buildings shall be precluded through the proper grading of the site;
 - (8) Bus passenger station;
 - (9) Public buildings;
 - (10) One-, two-, and multiple-family dwelling units within a business structure with frontage on Main Street from Chipman Street intersection east to Water Street and the Dutchtown area for land within Stewart Street, Chipman Street, and the Huron Eastern Railroad and subject to conditions of section 38-173.

(Code 1977, § 5.54; Ord. No. 395, § 1, 8-16-82; Ord. No. 507, § 1, 4-19-93; Ord. No. 677, § 1, 8-21-06)

Sec. 38-269. Area and bulk requirements.

See article XVI, schedule of regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for B-4 districts.

(Code 1977, § 5.55)

Sec. 38-270. General provisions.

See article XVII, general provisions, for requirements governing off-street parking, signs, walls and other provisions for B-4 districts.

(Code 1977, § 5.56)

Sec. 38-271. Uses permitted by issuance of a special use permit.

The following uses are permitted in a B-4 District by issuance of a special use permit:

- (1) Ground floor apartments in accordance with section 38-454(h).

(12) The process of marihuana delivery begins when the marihuana delivery employee leaves the marihuana sales location's licensed marihuana business with the marihuana product for delivery. The process of marihuana delivery ends when the delivery employee returns to the marihuana sales location's licensed marihuana business after delivering the marihuana product to the marihuana customer.

(13) A marihuana sales location shall maintain a record of each delivery of a marihuana product in a marihuana delivery log, which may be a hard copy or electronic format, and make the marihuana delivery log available to the agency upon request. For each delivery, the marihuana delivery log must record all of the following:

- (a) The date and time that the delivery began and ended.
- (b) The name of the marihuana delivery employee.
- (c) The amount of marihuana product allowed to be possessed for delivery.
- (d) The tag number of the marihuana product and the name of the strain of that marihuana product.
- (e) The signature of the individual who accepted delivery.

(14) A marihuana sales location shall notify the agency, state police, or local law enforcement of any theft, loss of marihuana product, or criminal activity as provided in these rules. A marihuana sales location shall report to the agency and law enforcement, if applicable, any other event occurring during marihuana delivery that violates the marihuana delivery procedure as provided in this rule, including marihuana delivery vehicle accidents and diversion of marihuana product.

History: 2020 AACCS; 2022 MR 5, Eff. Mar. 7, 2022.

R 420.207a Contactless and limited contact transactions.

Rule 7a. (1) A marihuana sales location may designate an area for contactless or limited contact transactions unless prohibited by an ordinance adopted by the municipality where the marihuana sales location is located.

(2) Contactless or limited contact transaction include, but are not limited to the following:

- (a) Curbside service.
- (b) Drive through window service.

(3) A marihuana sales location may accept online or telephonic orders for marihuana product and payment for the order that will be picked up at the marihuana sales location.

(4) The designated area for contactless or limited contact transactions must be identified in the marihuana business location plan.

(5) A marihuana sales location operating a contactless or limited contact transaction must have a written standard operating procedure in place and be made available to the agency upon request.

(6) Contactless or limited contact transactions must be completed during normal business hours.

(7) A marihuana sales location using a designated area for contactless or limited contact transactions must have in place an anti-theft policy, procedure, or automatic capability.

(8) The designated area for contactless or limited contact transactions must comply with R 420.209.

(9) The contactless and limited contact transaction must comply with R 420.505 and R 420.506.

(10) Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.

History: 2022 MR 5, Eff. Mar. 7, 2022.

November 23, 2022

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

Subject: Zoning Text Amendment

Request: Consider amendments to the Owosso Zoning Ordinance text in Sections 38-197(11.a.2), 38-217(4.a.2), 38-242(9.a.2) and 38-267(10.a.2) to allow for drive-thru window services at marihuana provisioning centers.

Applicant: Hani Kassab Jr, Jars Cannabis

Dear Planning Commissioners:

At your request, we have reviewed the above application from Hani Kassab Jr to consider amending the above referenced sections of the City of Owosso Zoning Ordinance to allow for drive—thru service at marihuana provisioning centers in the City. Drive-thru services are not currently allowed but a change in the State of Michigan rules and legislation now permit this service if authorized by local zoning. It is not required that they be permitted.

Our comments are based on a review of the information submitted by the applicant, a site visit, meetings with the applicant, discussions with the Planning Commission, and conformance to the City’s Master Plan and Zoning Ordinance. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, relevant input from the public, additional information provided by the applicant, and your own findings based on ordinance standards as part of your deliberation and recommendation to City Council.

DISCUSSION

The planning commission and city council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the zoning ordinance:

1. Documentation has been provided from city staff, or the zoning board of appeals indicating problems and conflicts in implementation of specific sections of the ordinance.

Finding – There is currently no issues, problems or conflicts with implementation of existing ordinances, however the city has been permitting curb-side delivery of marihuana during the Covid-19 Pandemic.

2. Reference materials, planning and zoning publication, information gained at seminars or experiences of other communities that demonstrate improved techniques to deal with certain zoning issues, or that the city's standards are outdated.

Finding – As noted above, the state has changed rules to allow for the use of drive-thru services. Those rules can be seen below.

Rule 7a.

- (1) A marihuana sales location may designate an area for contactless or limited contact transactions unless prohibited by an ordinance adopted by the municipality where the marihuana sales location is located.
 - (2) Contactless or limited contact transaction include, but are not limited to the following:
 - (a) Curbside service.
 - (b) Drive through window service.
 - (3) A marihuana sales location may accept online or telephonic orders for marihuana product and payment for the order that will be picked up at the marihuana sales location.
 - (4) (4) The designated area for contactless or limited contact transactions must be identified in the marihuana business location plan.
 - (5) A marihuana sales location operating a contactless or limited contact transaction must have a written standard operating procedure in place and be made available to the agency upon request.
 - (6) Contactless or limited contact transactions must be completed during normal business hours.
 - (7) A marihuana sales location using a designated area for contactless or limited contact transactions must have in place an anti-theft policy, procedure, or automatic capability.
 - (8) The designated area for contactless or limited contact transactions must comply with R 420.209.
 - (9) The contactless and limited contact transaction must comply with R 420.505 and R 420.506.
 - (10) Marihuana being transferred during a contactless or limited contact transaction must be in an opaque bag and the contents must not be visible to the general public upon pick up.
3. The city attorney recommends an amendment to respond to significant case law.

Finding – The city attorney is not opposed to the proposed amendments but is not recommending approval as a result of significant case law.

4. The amendment would promote implementation of the goals and objectives of the city's master plan.

Finding – The amendment would not promote the goals and objectives in the downtown where auto-oriented uses are intended for other commercial areas of the city.

5. Other factors deemed appropriate by the planning commission and city council.

Finding – This application has not been previously before the City.

RECOMMENDATION

Based upon the above comments, **the Planning Commission will need to consider a number of factors to determine if this amendment is most appropriate for the city and its residents and businesses as follows;**

1. That the request is not in overwhelming conflict with the Master Plan or the Zoning Ordinance;
2. The rules have changed at the state which now allow for these services;
3. That a change in the ordinance will not lead to public safety issues or a nuisance to the city and its residents and businesses.

We look forward to discussing this with you at your November Planning Commission meeting. If you have any further questions, please contact us at 810-734-0000.

Sincerely,

CIB Planning



Justin Sprague
Vice President