



## ORDINANCE NO. 798

### AN EMERGENCY ORDINANCE TO AMEND SECTION 38-292 OF CHAPTER 38, ZONING, OF THE CODE OF THE CITY OF OWOSSO TO CORRECT ERRORS TO BUFFER ZONE REQUIREMENTS FOR MEDICAL MARIHUANA RELATED FACILITIES

WHEREAS, the City Council adopted Ordinance No. 795 on March 18, 2019; and

WHEREAS, Section 38-292 (12) of Ordinance No. 795 was intended to address marihuana growers, processors, safety compliance facilities, and secure transporters but instead make reference to “provisioning centers”; and

WHEREAS, this error must be corrected for the Ordinance to express the intent of the City Council and the Planning Commission; and

WHEREAS, because Ordinance No. 795 became effective April 7, 2019 sufficient time does not exist to amend the ordinance under normal procedures, causing the Council to declare the amendment emergent in nature.

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

SECTION 1. AMENDMENT. That Section 38-292 (12), Principal uses permitted, of Chapter 38, Zoning, Article XIII, *I-1 Light Industrial District*, of the Code of Ordinances is hereby amended to read:

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

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

- (12) Marihuana growers, processors, safety compliance facilities or secure transporters as authorized by the city of Owosso’s Medical Marihuana Facilities Licensing - Police Power authorizing ordinance shall be subject to the following standards:
  - a. Minimum Yard Depth/Distance from Lot Lines. Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Article XVI. –Schedule of Regulations for each zoning designation as listed.
  - b. Indoor Growing and Processing. In the I-1 light industrial district, marihuana growing shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors. Marihuana processing shall be located entirely within one or more completely enclosed buildings.
  - c. Maximum Building Floor Space. The following maximum building floor space shall apply in the I-1 light industrial district:
    1. If only a portion of a building is authorized for use in marihuana growing or processing, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marihuana growing or processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marihuana growing or processing space and the remainder of the building.
  - d. Lighting. Lighting shall be regulated as follows:
    1. Light cast by light fixtures inside any building used for marihuana growing or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.

2. Outdoor marihuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
- e. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana growing or marihuana processing.
1. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
  2. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
  3. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
  4. Negative air pressure shall be maintained inside the building.
  5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  6. An alternative odor control system is permitted if the applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
- f. Security Cameras. Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan. Recordings shall be kept for 90 days.
- g. Buffer Zones. A ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ may not be located within the distance specified from the uses below as determined by the city of Owosso. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:
1. A ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ may not be located within 200 feet of the real property comprising or used by a public or private elementary, vocational, or secondary school. The distance between the school building and the ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the ~~marihuana grower, processor, safety compliance facility, or secure transporter provisioning center~~ and from the part of the ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ nearest to the school building.
  2. A ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ may not be located within 100 feet of a residentially zoned structure. The distance between the residentially zoned structure and the ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the ~~provisioning center marihuana grower, processor, safety compliance facility, or secure transporter~~ and from the part of the ~~provisioning~~

~~center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** nearest to the residentially zoned structure.

3. A ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** may not be located within 100 feet of a vacant residentially zoned parcel. The distance between the residential zoned vacant parcel and the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** and from the part of the ~~provisioning center~~ **marihuana grower, processor, safety compliance facility, or secure transporter** nearest to the intersection of the minimum front or rear yard and side yard setback requirement.
- ~~4. No parcel containing a medical marijuana provisioning center shall be located within 100 feet of a parcel on which another medical marijuana provisioning center is located. The distance between two medical marijuana provisioning centers must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the nearest part of each provisioning centers to the other provisioning center.~~

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 4. EFFECTIVE DATE. This amendment shall become effective immediately upon adoption on April 15, 2019.

I hereby certify that the foregoing document is a true and complete copy of the emergency ordinance amendment approved by City Council at the regular meeting of April 15, 2019.

*John Hill*

