

CITY OF MARSHALL, MICHIGAN

ORDINANCE #2020-___

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 2.0, DEFINITIONS, SECTION 2.2, AND CHAPTER 4.0 USE STANDARDS, SECTION 4.16, COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS.

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. That **Chapter 2.0, Definitions** of the Marshall City Zoning Code, Section 2.2 “Definitions”, is hereby amended to **add the following terms or words as defined as follows:**

Hoop House. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.

Commercial Greenhouse. A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

Section 2. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, Section 3.1.12 “I-1 Research and Technical District”, is hereby amended to **add “hoop houses” to the following Special Land Uses as follows:**

- v. Commercial greenhouses, **hoop houses**, nurseries, and garden centers.

Section 3. That **Chapter 4.0 Use Standards** of the Marshall City Zoning Code, Section 4.16 “Commercial Greenhouses, Nurseries and Garden Centers”, is hereby amended to **add requirements for Hoop Houses and Commercial Greenhouses for marihuana cultivation as follows:**

Hoop Houses and Commercial Greenhouses for marihuana cultivation are permitted as special land uses in the I-1 district with no limits on square footage.

1. Hoop House. The following shall apply:
 - A. Setbacks shall be 1500 feet from any residential structure, 250 feet from the road right-of-way centerline, and 50 feet from any rear or side property line.
 - B. Limited duration not to exceed three (3) years.

- C. If a Hoop House contains any device subject to the electrical code or any mechanical equipment subject to the mechanical code, a permit shall be required for the device, system or fixture only. If the hoop house is connected to a potable water system, a permit shall be required for the backflow prevention devices only.
2. Commercial Greenhouse. The following shall apply:
- A. Setbacks shall be required under Section 3.1.12(D).
3. Hoop House and Commercial Greenhouse cultivation of marihuana. The following shall apply:
- A. Comply with applicable LARA/MRA rules and regulations, City ordinances and City Zoning Ordinance.
 - B. Subject to a Special Land Use permit under Section 6.2, permit and for special conditions as may be necessary based upon the uniqueness of the property, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 6.2. of the Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the SUP, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the SUP holder and hearing.
 - C. As permitted in this section, the area containing the cultivation of marihuana plants must be completely confined and enclosed in a Hoop House or Commercial Greenhouse made of durable construction to include metal framing materials and durable translucent material on all sides and top of a Hoop House, or glass, glass-like or translucent material on all sides and top of a Commercial Greenhouse. Hoop Houses and Commercial Greenhouses may not exceed 18 feet maximum height.
 - D. Hoop Houses and Commercial Greenhouses must be located on the parcel of the grower establishment or facility, fully enclosed by property security fencing. Security fencing must be at a minimum of eight (8) feet in height.
 - E. Site Plan approval. Hoop Houses and Commercial Greenhouses are subject to site plan review and must receive approval.
 - F. Screening shall comply with Section 5.15.8, and also include the means, including walls and plantings, to accomplish complete visual screening from the road right-of-way and adjacent property. Hoop Houses and Commercial Greenhouses must have greenbelt barriers that block outside

visibility of the marihuana plants from the public view, with no marihuana plants growing outside the top of the Hoop House or Commercial Greenhouse nor above the fence and barrier that is visible to the public eye and the fences must be secured and comply with the applicable security measures in City ordinances and LARA/MRA rules and regulations, including but not limited to, locked entries only accessible to authorized persons or emergency personnel.

- G. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.
- H. Hoop Houses and Commercial Greenhouses must meet the security requirements and pass inspections required under City ordinance and LARA/MRA rules and regulations and any necessary building permit pursuant to City ordinance, state statute, code and LARA/MRA rules and regulations.
- I. Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.

Section 4. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 5. This Ordinance shall be published in a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 6. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this _____ day of _____, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on _____, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK