CITY OF GRAND HAVEN
OTTAWA COUNTY, MICHIGAN

ORDINANCE NO. 2022-07

AN ORDINANCE TO AMEND SECTIONS 40-201.01, 40-201.07, 40-201.16, 40-201.19, 40-402.01, 40-411.02.B., 40-413.02.B., 40-413.03, 40-414.02.B., 40-415.02.B., 40-416.02.B., 40-417.02.B., 40-419.02.B., 40-420.02.B. AND SECTION 40-543a OF THE GRAND HAVEN ZONING ORDINANCE TO REGULATE MEDICAL AND ADULT-USE MARIHUANA FACILITIES

The City of Grand Haven Ordains:

Section 1. Addition. Sections 40-201.01, 40-201.07, 40-201.16, 40-201.19 of the Grand Haven Zoning Ordinance are amended to add or revise the following definitions in alphabetical order:

Sec, 40-201.01. – "A"

Adult-Use 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 21 years of age or older pursuant to the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27951 to 333.27967.

Sec. 40-201.07. – "G"

Grower: A state operating 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 pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* or a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments pursuant to the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27951 to 333.27967.

Sec. 40-201.16. – "P"

Processor: A state operating licensee that is a commercial entity located in this state 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 pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* or a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments pursuant to the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27951 to 333.27967.

Sec. 40-201.19. – "S"

Safety compliance facility: A state operating licensee that is a commercial entity that receives marihuana from a 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 facility pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* or a person licensed to test marihuana, including certification for potency and the presence of contaminants pursuant to the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27951 to 333.27967.

Secure transporter: A state operating licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* or a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana

establishments pursuant to the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27951 to 333.27967.

Section 2. Addition. Section 40-402.01 of the Grand Haven Zoning Ordinance is amended to add the following category to be inserted in the table in alphabetical order where appropriate:

Sec. 40-402.01. - Table of land uses.

	LDR	MDR	MFR	DR	NS	S	E	OT	NMU	OS	CB	C	B	WF	WF-2	CC	TI	I
Adult-Use Retailer									S			S	S	S*	S		S	S
Grower																	S	S
Processor																	S	S
Provisioning Center									S			S	S	S*	S		S	S
Safety Compliance Facility																	S	S
Secure Transporter													S				S	S

Section 3. Addition. Sections 40-411.02.B., 40-414.02.B., 40-415.02.B., 40-416.02.B, 40-417.02.B., 40-419.02.B., and 40-420.02.B. of the Grand Haven Zoning Ordinance are amended to add the following:

40-411.02.B. – District Summary

- Adult-Use Retailer, subject to [section] 40-543a

40-414.02.B. – District Summary

- Adult-Use Retailer, subject to [section] 40-543a

40-415.02.B. – District Summary

- Adult-Use Retailer, subject to [section] 40-543a

40-416.02.B. – District Summary

- Adult-Use Retailer on Key Street Segments only as defined by Section 40-316 and subject to [section] 40-543a
- Provisioning center on Key Street Segments only as defined by Section 40-316 and subject to [section] 40-543a

40-417.02.B. – District Summary

- Adult-Use Retailer, subject to [section] 40-543a

40-419.02.B. – District Summary

- Adult-Use Retailer, subject to [section] 40-543a

40-420.02.B. – District Summary

- Adult-Use Retailer, subject to [section] 40-543a

Section 4. Deletion and Amendment. Section 40-413.02.B of the Grand Haven Zoning Ordinance is hereby amended to remove Provisioning Center as a special land use from the CB, Central Business District. Further, Section 40-413.03 of the Grand Haven Zoning Ordinance is hereby amended to read as follows:

40-413.03. – Notes

- A. On the first floor of buildings facing Washington between Harbor Drive and Third Street, professional service establishments and office buildings are permitted, provided:
    1. Professional service establishments and office uses shall not front Washington Avenue;
    2. Professional service establishments and office uses may occupy a maximum of 60% of the net usable area of the first floor of the building;
    3. Signage, advertising, and displays on the Washington Avenue building frontage for a professional service establishment or office use shall be limited to the name of the business and location of its entrance, and shall be included in the permitted area of signage for the building frontage.

Section 5. Addition. Section 40-543a of the Grand Haven Zoning Ordinance is hereby amended to read:

Sec. 40-543a. – Medical Marihuana Facility or Adult-Use Marihuana Establishment

A. *Definitions.* Medical Marihuana Facility: A location at which a state operating licensee is licensed to operate under the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* which encompasses a, grower, processor, provisioning center, safety compliance facility, and secure transporter as defined in this Ordinance. Adult-use Marihuana Establishment: 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 marijuana regulatory agency pursuant to the Michigan regulation and taxation of marihuana act, 2018 IL 1, MCL 333.27951 to 333.27967. These uses correspond to the Commercial Medical and Adult-Use Facilities requiring a permit pursuant to Chapter 9.5, Article IV of the Code of the City of Grand Haven.

B. *Regulations and conditions.*

1. Notwithstanding the definition of Marihuana Establishment above, no marihuana microbusiness or any other type of marihuana-related business licensed by the state are allowed other than those specifically listed in Sec. 40-402.01. - Table of land uses, and as specifically listed in the each District Summary pursuant to this Ordinance.

2. An applicant must obtain conditional approval from the City of Grand Haven per Sec. 9.5-43 of the Code of Ordinances and obtain a lottery position from the City of Grand Haven prior to submitting a special land use application.

3. An applicant must demonstrate that they have been pre-qualified for a medical marihuana state operating license or adult use marihuana state operating license from the State of Michigan

corresponding to the Medical Marihuana Facility or Adult-Use Marihuana Establishment which is the subject of the special land use application.

4. Buffers of Medical Marihuana Facilities and Adult-Use Marihuana Establishments from sensitive land uses and other Medical Marihuana Facilities and Adult-Use Marihuana Establishments as described in this subsection.

    a. There shall be a minimum separation distance of one thousand (1,000) linear feet from K-12 schools and libraries.

    b. There shall be a minimum separation distance of five-hundred (500) linear feet from the following land uses:

        1) Parks or parkland.

        2) Places of public assembly specifically for worship purposes.

        3) State-licensed day care facilities, including commercial day care, day care facility, and group day care.

        4) State-licensed substance use disorder programs

    c. Excepting equivalent licenses located on the same parcel as permitted by Chapter 9.5, Article IV of the Code of the City of Grand Haven, there shall be a minimum separation distance of 2,500 feet from any other Medical Marihuana Facilities and Adult-Use Marihuana Establishment.

    d. Buffers shall be measured from the nearest lot line of the lot proposed for the Medical Marihuana Facility or Adult-Use Marihuana Establishment to the nearest lot line of the aforementioned uses.

    e. If a Medical Marihuana Facility or Adult-Use Marihuana Establishment is located in compliance with all applicable minimum separation distances and then a sensitive land use is subsequently located within any applicable minimum separation distance, the Medical Marihuana Facility or Adult-Use Marihuana Establishment is not thereby rendered non-compliant with this subsection 4.

5. Hours of operation are limited to 7am to 9pm daily.

6. The minimum number of off-street parking spaces shall be as follows:

    a. Adult-Use retailer: One (1) space per one hundred fifty (150) square feet GFA.

    b. Provisioning center: One (1) space per one hundred fifty (150) square feet GFA.

    c. Grower: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.

    d. Processor: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.

    e. Secure transporter: Five (5) spaces plus one (1) per employee on the two (2) largest shifts.

    f. Safety compliance facility: One (1) space per employee of the largest shift plus five (5) visitor spaces.

7. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the Planning Commission, but shall not be less than the requirements of Article VIII Landscaping.

8. Outdoor storage of materials, substances, products or component parts is not permitted.

9. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.

10. The applicant must obtain and maintain an annual Commercial Medical Marihuana Facility/Adult-Use Marihuana Establishment Facility Permit pursuant to Chapter 9.5 of the City of Grand Haven Code of Ordinances from the City of Grand Haven to maintain the corresponding special land use permit.

11. Due to the State of Michigan's treatment of equivalent licenses and the similarity in land use considerations between Medical Marihuana Facilities and Adult Use Marihuana Establishments, a special land use approval, including any conditions imposed thereon, as to any existing provisioning center approved at the time of the passage of the ordinance adding this subsection, shall also act as an Adult-Use Retailer special land use approval.

Section 6. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: Councilmember(s) Lowe, Cummins, McLaughlin, Fritz

NAYS: Councilmember(s) McNally

ABSTAIN: None

ABSENT: None

Mayor

City Clerk

CERTIFICATION

I certify this true and complete copy of Ordinance No. 2022-07, adopted at a Regular Meeting of the Grand Haven City Council held on June 20, 2022.

Anna Darwin, Interim City Clerk

PC Hearing:	February 8	, 2022
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