

**CITY OF GRAND HAVEN
OTTAWA COUNTY, MICHIGAN**

ORDINANCE NO. 20-03

AN ORDINANCE TO AMEND SECTIONS 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., 40-418.02.B., 40-419.02.B., 40-420.02.B. AND ADD SECTION 40-543a OF THE GRAND HAVEN ZONING ORDINANCE TO REGULATE MEDICAL MARIHUANA FACILITIES

The City of Grand Haven Ordains:

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

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.*

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.*

Provisioning Center. A state operating licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the Michigan Department of Licensing and Regulatory Affairs (LARA) marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this article.

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.*

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.*

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

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

	SFR	MDR	MFR	DR	NS	S	E	OT	NMU	OS	CB	C	B	WF	WF-2	CC	TI	I
Grower																	S	S
Processor																	S	S
Provisioning center									S		S	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., 40-413.02.B., 40-413.03, 40-414.02.B., 40-415.02.B., 40-416.02.B, 40-417.02.B., 40-418.02.B., 40-419.02.B., 40-420.02.B. of the Grand Haven Zoning Ordinance are amended to add the following uses:

40-411.02.B. – District Summary

- Provisioning Center, subject to [section] 40-543a

40-413.02.B. – District Summary

- Provisioning Center (A), subject to [section] 40-543a

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, and provisioning centers are permitted by special use, provided:
 1. Professional service establishments, office uses, and provisioning centers shall not front Washington Avenue;
 2. Professional service establishments, office uses, and provisioning centers 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, office use, or provisioning center 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.

40-414.02.B. – District Summary

- Provisioning Center, subject to [section] 40-543a

40-415.02.B. – District Summary

- Provisioning center, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a

40-416.02.B. – District Summary

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

40-417.02.B. – District Summary

- Provisioning center, subject to [section] 40-543a

40-418.02.B. – District Summary

- Provisioning center, subject to [section] 40-543a

40-419.02.B. – District Summary

- Grower, subject to [section] 40-543a
- Processor, subject to [section] 40-543a
- Provisioning center, subject to [section] 40-543a
- Safety compliance facility, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a

40-420.02.B. – District Summary

- Grower, subject to [section] 40-543a
- Processor, subject to [section] 40-543a
- Provisioning center, subject to [section] 40-543a
- Safety compliance facility, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a

Section 4. Addition. Section 40-543a of the Grand Haven Zoning Ordinance is hereby added to read:

Sec. 40-543a. – Medical Marihuana Facility

- A. *Definition*. 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.
- B. *Regulations and conditions*.
1. An applicant must obtain a lottery position from the City of Grand Haven prior to submitting a special use application.
 2. An applicant must demonstrate that they have been pre-qualified for a medical marihuana state operating license from the State of Michigan.
 3. Buffers from sensitive land uses 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:
 - a. Parks or parkland.
 - b. Places of public assembly specifically for worship purposes.
 - c. State-licensed day care facilities, including commercial day care, day care facility, and group day care.
 - d. State-licensed substance use disorder programs
 - c. Buffers shall generally be measured from the nearest lot line of the lot proposed for the medical marihuana facility to the nearest lot line of any of the above sensitive land uses.
 - d. If a medical marihuana facility 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 is not thereby rendered non-compliant with this subsection 3.
4. Hours of operation are limited to 7am to 9pm daily.
 5. The minimum number of off-street parking spaces shall be as follows:
 - a. Provisioning center: One (1) space per One hundred fifty (150) square feet GFA.
 - b. Grower: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.
 - c. Processor: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.
 - d. Secure transporter: Five (5) spaces plus one (1) per employee on the two (2) largest shifts.
 - e. Safety compliance facility: One (1) space per employee of the largest shift plus five (5) visitor spaces.
 6. 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.
 7. Outdoor storage of materials, substances, products or component parts is not permitted.
 8. 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.
 9. The applicant must obtain an annual Medical Marijuana Facilities Permit from the City of Grand Haven to maintain the special use permit.

Section 5. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: Fritz, Cummins, Dora, and Monetza

NAYS: Scott

ABSTAIN: NONE

ABSENT: NONE

CERTIFICATION

I certify this true and complete copy of Ordinance No. 20-03 adopted at a Regular Meeting of the Grand Haven City Council held on February 17, 2020.

A handwritten signature in black ink, reading "Linda L. Browand", is written over a horizontal line.

Linda L. Browand, City Clerk

Introduced: February 3, 2020
Adopted: February 17, 2020
Published: March 2, 2020
Effective: March 8, 2020