

AN ORDINANCE TO AMEND CHAPTER 61 OF TITLE V OF THE CODE OF THE CITY
OF GRAND RAPIDS ENTITLED ZONING ORDINANCE

ORDINANCE NO. 2018-__

FOR IMMEDIATE EFFECT

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That the Office section of the Commercial, Office, Retail Use Category of Table 5.6.06.B. of Section 5.6.06. Uses of Land. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended to add one new use, as follows:

Table 5.6.06.B. Uses: Mixed-Use Commercial Zone Districts

Table 5.6.06.B. Uses: Mixed-Use Commercial Zone Districts								
Use Category	Specific Use	TN			TN MCN MON	MCN MON	NOS	Use or Other Regulations
		CC*	TCC	TBA	TOD**	C		
COMMERCIAL, OFFICE, RETAIL								
Office								
	"Marihuana safety compliance	X	S	X	X	S	S	5.9.19."

Section 2. That the Retail section of the Commercial, Office, Retail Use Category of Table 5.6.06.B. of Section 5.6.06. Uses of Land. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended to add two new uses, as follows:

Table 5.6.06.B. Uses: Mixed-Use Commercial Zone Districts

Table 5.6.06.B. Uses: Mixed-Use Commercial Zone Districts								
Use Category	Specific Use	TN			TN MCN MON	MCN MON	NOS	Use or Other Regulations
		CC*	TCC	TBA	TOD**	C		
COMMERCIAL, OFFICE, RETAIL								
Retail Sales	"Marihuana provisioning center	S	S	S	S	S	S	5.9.19.
	Marihuana microbusiness	S	S	S	S	S	S	5.9.19."

Section 3. That the Industrial section of the Industrial, Transportation, Utilities Use Category of Table 5.6.06.B. of Section 5.6.06. Uses of Land. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended to add one new use, as follows:

Table 5.6.06.B. Uses: Mixed-Use Commercial Zone Districts

Table 5.6.06.B. Uses: Mixed-Use Commercial Zone Districts									
Use Category	Specific Use		TN			TN MCN MON	MCN MON	NOS	Use or Other Regulations
			CC*	TCC	TBA	TOD**	C		
INDUSTRIAL, TRANSPORTATION, UTILITIES									
Industrial	"Marihuana processor, commercial production of infused products only	15,000 sq ft or less GFA	X	S	S	S	S	X	5.9.19.
		15,000 sq ft or more GFA	X	S	X	X	S	X	5.9.19."

Section 4. That the Industrial section of the Industrial, Transportation, Utilities Use Category of Table 5.7.04.B. of Section 5.7.04. Uses of Land. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended to add five new uses, as follows:

Table 5.7.04.B . Special District - Industrial-Transportation (SD-IT).

Table 5.7.04.B. Uses: Industrial-Transportation District			
Use Category	Specific Use	Approval	Use or Other Regulations
INDUSTRIAL, TRANSPORTATION AND UTILITIES			
Industrial	"Marihuana grower (Class A, B, and C); a provisioning center may be co-located as an office or retail accessory use (not to exceed 25% of GFA)	S	5.9.19.
	Marihuana microbusiness	S	5.9.19.
	Marihuana processor; a provisioning center may be co-located as an office or retail accessory use (not to exceed 25% of GFA)	S	5.9.19.
	Marihuana safety compliance facility	P	5.9.19.
	Marihuana secure transporter	P	5.9.19."

Section 5. That a new use row entitled "Marihuana Facilities" be added to Table 5.9.02. Use Regulations and Approval Process of Section 5.9.02. Applicability. of Title V, Chapter 61 of the Code of the City of Grand Rapids, as follows:

Table 5.9.02. Use Regulations and Approval Process

Table 5.9.02. Use Regulations and Approval Process

Use	Section	Counter Review	Director Review	Special Land Use	
"Marihuana Facilities	Grower (Class A, B, and C)	5.9.19.	—	—	IT
	Microbusiness	5.9.19.	—	—	CC, TCC, TBA, TOD, C, NOS, IT
	Processor	5.9.19.	—	—	Infused products <15,000 sq ft: TCC, TBA, TOD, C Infused products > 15,000 sq ft: TCC and C Any: IT
	Provisioning center	5.9.19.	—	—	CC, TCC, TBA, TOD, C, NOS, IT"
	Safety compliance facility	5.9.19.	—	IT	TCC, C, NOS
	Secure Transporter	5.9.19.	—	IT	—"

Section 6. That Subsection B., Table 5.9.14.B. Home Occupation Classes of Section 5.9.14. Home Occupations. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended to read as follows:

Table 5.9.14.B Home Occupation Classes			
Characteristic	Requirement		
	Class A	Class B	Class C
Examples (non-inclusive)	Internet-sales, home office, bookkeeping	Music, fine arts instructor; one-room rental	Bed and breakfast See 5.9.08.
			Rooming house See 5.9.30.

Section 7. That Subsection M. of Section 5.9.14. Home Occupations. of Title V, Chapter 61 of the Code of the City of Grand Rapids be repealed in its entirety:

Sec. 5.9.14. Home Occupations.

M. "Medical Marihuana."

Section 8. That Section 5.9.19. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended in its entirety to read as follows:

Sec. 5.9.19. "Marihuana Facilities.

A. Purpose. Marihuana-related uses which, because of their very nature, have serious objectionable characteristics; particularly when several uses are concentrated within a small geographic area, the intensity of the use would be burdensome to a business

district for reasons of excessive parking needs and/or traffic congestion, or when one (1) or more are located near to sensitive uses (e.g. schools, churches, day cares, parks, rehabilitation facilities, residential areas). Special regulation of these uses as itemized in this Section are necessary to ensure that these adverse effects do not contribute to disinvestment, deterioration, or other detrimental effects on areas surrounding such uses or which might impact neighborhood character, reduce the ratio of Grand Rapids' locally-owned businesses, deter commercial retail viability and variety, or affect the stability of industrial areas.

- B. Applicability. Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of Michigan Medical Marihuana Facilities Licensing Act (MMFLA), the Michigan Regulation and Taxation of Marihuana Act (MRTMA) or other state law providing for the sale, transport, testing, growing, distribution, and processing of marihuana or any other activity involving a marihuana-related use shall require review and approval as specified in Table 5.9.19.D. Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMA). Provisions of this Chapter regulating microbusinesses or other uses that require a license from LARA in the administration of the MRTMA do not take effect unless the MRTMA is enacted into law.
- C. The Planning Commission is prohibited from waiving any portion of this Section. The Director may submit any Director Review application to the Planning Commission for SLU approval.

D. Approval Procedures for Marihuana Facilities

Table 5.9.19.D. Approval Procedures for Marihuana Facilities			
License	Description	Criteria	Review Procedure
Grower	New or Major Expansion	20% increase or more in square footage	Special Land Use
	Class change and/or license stacking for same use	Less than 20% increase in square footage of the use	Director Review, after initial SLU granted and GNP updated
Microbusiness	New or expansion	-	Special Land Use
Processor	New	-	Special Land Use
	Expansion - minor	Less than 20% increase in square footage of the use	Director Review, after initial SLU approval and GNP updated
	Expansion - major	Expansion of a non-food related processor and/or 20% increase or more in square footage	Special Land Use
Provisioning Center	New or expansion	-	Special Land Use
Secure Transporter	New or expansion	-	Director Review

Safety Compliance Facility	New or expansion in IT Zone	-	Director Review
	New or major expansion in TCC, C, or NOS	20% increase or more in square footage	Special Land Use
	Expansion – minor in TCC, C, or NOS	Less than 20% increase in square footage of the use	Director Review, after initial SLU granted and GNP updated

E. Authorized Facilities. A marihuana facility is not eligible for a state operating license until the Planning Commission grants approval using the Special Land Use process, as described in Article 12, Section 5.12.09. The City Clerk will grant final authorization for the facility upon receipt of the signed Planning Commission resolution. The location and co-location of authorized facilities shall be determined as follows:

1. Separation Distances. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a facility.

a. The following minimum-distancing regulations shall apply to all marihuana facilities, except for marihuana microbusinesses. A facility shall not be located within:

- i. 1,000 feet of a child care center, or a public or private K-12 school;
- ii. 1,000 feet of a publicly owned park or playground;
- iii. 1,000 feet of a church or place of worship;
- iv. 1,000 feet of a substance abuse clinic or rehabilitation facility;
- v. 1,000 feet from the boundaries of adjoining local jurisdictions;
- vi. 250 feet of a Residential Zone District (Article 5); and
- vii. 600 feet of another facility location (see 5.9.19.E.2.).

b. The following minimum-distancing regulations shall apply to marihuana microbusinesses. A facility shall not be located within:

- i. 1,000 feet of a child care center, or a public or private K-12 school;
- ii. 1,000 feet of a publicly owned park or playground;
- iii. 1,000 feet from the boundaries of adjoining local jurisdictions; and
- iv. 1,000 feet of another facility location.

2. Co-Location and Stacked Licenses. There may be only one state operating license per parcel, except co-location and stacked grower licenses are permitted in certain circumstances:

a. A facility with a stacked grower license counts as a single grower for the purposes of facility separation distance requirements.

b. In Mixed-Use Commercial Zone Districts, as shown in Table 5.6.06.B., a provisioning center and processor of infused products may be allowed in combination. Each license request for a facility must be considered separately.

- c. In the Industrial-Transportation District, co-location on the same parcel for grow, processing, and provisioning centers is allowed if each license is for a separate use (other than stacked grower licenses), subject to all applicable state laws, rules and regulations concerning co-location, including but not limited to, LARA requirements for the separation of facilities and GFA requirements in this Chapter. Each license request for a facility must be considered separately.
3. License transfer. Zoning approval for a facility that has not had any zoning or state licensing violations may be allowed to transfer to another entity. If violations have occurred at the facility location, or at another location within Michigan under the control of the applicant, then a license transfer application shall be considered a new application. The applicant shall provide an affidavit regarding the accuracy of all claims of compliance. Should such claims prove to be false, then the approval may be considered a violation and revoked.
- E. Application Requirements. Each application shall be accompanied by a detailed site plan and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require Director or Special Land Use review. The following shall be submitted as part of an application in addition to the requirements of Section 5.12.09. All items must be satisfactorily completed for an application to be considered eligible for review.
1. Verification. A signed statement by the applicant indicating the proposed facility type, including if the proposed facility type involves stacked licenses or co-location and the number of licenses.
 2. Consent. A notarized statement by the property owner that acknowledges use of the property for a marijuana facility and agreement to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marijuana facility. Written consent shall also include approval of the owner and operator for the City to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.
 3. LARA. A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for a state operating license. Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be provided. The required LARA marijuana facility plan and security plan shall be submitted.
 4. Proof of Insurance. Evidence of a valid and effective policy for general liability insurance within minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least B++ shall be produced that includes the name/s of the insured, effective and expiration dates, and policy number. The City of Grand Rapids and its officials and employees shall be named as additional insureds. The

City shall be notified of any cancellation, expiration, reduction in coverage, or other policy changes within five business days of the event.

5. Building Elevations. Existing and proposed building elevations shall be provided, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations.
 6. Site Plan. Existing and proposed site changes must be submitted that demonstrate compliance with this Chapter.
 7. Sign and Lighting Plan. A sign plan for the exterior of the building and any interior signs that will be visible to the general public from the public right-of-way shall be submitted. All lighting fixtures visible to the public shall be identified.
 8. Radius. A map, drawn to scale, containing all childcare centers, schools, parks, churches, rehabilitation facilities, and any marijuana facilities within 1,000 feet of the proposed location.
 9. Crime Prevention Through Environmental Design (CPTED) Plan. The plan shall address surveillance methods, access control strategies, territorial reinforcement, maintenance, and target hardening; including the experience of customers, employees, and neighbors (residents, offices, businesses, etc.). The GRPD shall review and approve the CPTED Plan prior to the Planning Commission public hearing.
 10. Operations and Management Plan. An operations and management plan shall be submitted. The O&M plan should describe the life-cycle of marijuana in the facility; this may include the movement of the product, methods of storage, cash handling, etc. See also Section 5.9.19.F.
 11. Good Neighbor Plan (GNP). Refer to Section 5.12.06.D. for requirements. An updated GNP is required for a major expansion request and applications for Director Review.
 12. Voluntary Equitable Development Agreement (VEDA). A VEDA may be required to assist in mitigating any potential adverse impacts associated with the marijuana facility. The contents of the agreement shall be developed within the framework of the Good Neighbor Plan to provide for enhancement of the surrounding area and to insure the stability of the neighborhood, business, or industrial district, or any area in which the facility is situated. The Agreement shall be approved by the City Commission.
- F. Operations. Marijuana facilities must be operated in compliance with all applicable state laws, LARA rules, all conditions of the facility's state operating licenses, and all applicable city ordinances. In addition, such facilities shall comply with the following regulations:
1. Use. Where located in a Mixed-Use Commercial Zone District, the use shall contribute to the vibrancy and walkability of the district. Uses shall be presented as being for retail purposes, unless ground-floor office use is permitted with administrative approval.

2. Facility Exterior. The exterior appearance of a facility must be compatible with surrounding businesses and any descriptions of desired future character, as described in the Master Plan or an Area-Specific Plan.
 - a. Zoning requirements for façade transparency (glass that is clear, non-reflective or darkly tinted, and unobstructed), signage (number, size and placement), and door entry orientation will be strictly adhered to.
 - b. No marihuana or equipment used in the growing, production, sale, processing, or transport of marihuana can be placed or stored outside of an enclosed building.
 - c. Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construed as advertising with the intent to attract attention. Outdoor lighting will comply with Section 5.2.19.
 - d. Drive-through facilities and mobile facilities are prohibited.

3. Interior of Facility. A facility will not be designed to attract attention, limit the life of the structure the facility is located in, or create a nuisance.
 - a. Interior construction and design of a facility will not impede the future use of a building for other uses as permitted in the assigned zone district.
 - b. Neither marijuana nor marihuana-infused products may be directly visible from the exterior of the facility.
 - c. Interior security measures shall not be visible from the public right-of-way (e.g. security shutters, bars, or other methods) during operating business hours.
 - d. Interior walls between waiting rooms and display areas shall be forty (40) percent glass if the separation wall is thirty (30) feet or less away from the inside of the exterior building wall for the purposes of maintaining an active storefront.
 - e. Interior lighting shall not be so bright so as to create a nuisance to neighboring property owners or passersby.
 - f. Provisioning centers and microbusinesses may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m. The main entry of the business establishment will be wheel-chair accessible.
 - g. A sign shall be posted in viewable location from the public right-of-way that contains contact information.
 - h. Microbusinesses shall only be allowed to conduct the separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in the IT Industrial-Transportation zone district.
 - i. Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
 - j. Odors must be controlled and eliminated by the following methods:
 - i. The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors prior to leaving the building. Fan(s) must 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.

- ii. Air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
- iii. Negative air pressure must be maintained inside the building.
- iv. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- v. An Administrative Departure may be granted for an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.

G. Annual fee. A licensee must pay a registration fee of \$5,000, for each license used within the city in order to help defray administrative, compliance monitoring and enforcement costs. The holder of a stacked grower license must pay a separate fee in the amount of \$5,000 for each license. The initial annual registration fee(s) must be paid when the application for City approval is submitted. In each subsequent year, registration fees are due on the effective date of the land use approval. The annual registration fee is in addition to, not in lieu of, any other licensing and permitting requirements imposed by any law, state regulatory agency, or by City ordinance.

H. Consumption. No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any facility. It shall be a violation of this Chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:

1. The person had control over the premises or the portion of the premises where the marihuana was consumed;
2. The person knew or reasonably should have known that the marihuana was consumed; and
3. The person failed to take corrective action.

I. Violations. Failure to comply with the requirements of this Section shall be considered a violation and may jeopardize the Special Land Use approval and/or license.

1. Request for revocation of state operating license. If at any time an authorized facility violates this Chapter or any other applicable city ordinance, the City Commission may request that LARA revoke or refrain from renewing the facility's state operating license.
2. Revocation of Special Land Use approval. Any approval granted for a facility will be revoked or suspended automatically for either of the following reasons:
 - a. Revocation or suspension of the licensee's authorization to operate by LARA.
 - b. A finding by LARA that a rule or regulation has been violated by the licensee.

After an automatic revocation of a Special Land Use approval, a new Special Land Use application shall be required for a facility to commence operation at the same location.

3. Civil infraction. It is unlawful to disobey, neglect, or refuse to comply with any provision of this Chapter. A violation is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to fines as determined by the City Commission.
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- J. Rights. The operation of a licensed marihuana facility is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this Chapter is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in such activities either prior to or after the enactment of this amendment without obtaining the required authorization is deemed to be an illegally established use and is not entitled to legal nonconforming status. Nothing in this Chapter may be held or construed to grant a vested right, license, permit or privilege to continued operations within the City.
 - K. State Law. Nothing in this Chapter shall be construed in such a manner as to conflict with the MMMA, MMFLA, MRTMA or other applicable state marihuana law.
 - L. Federal Law. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Acts do not protect users, caregivers or the owners of properties on which the use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.
 - M. Receipt of Applications. The Planning Department shall accept applications for marihuana facilities in accordance with the following schedule:
 1. Any land use that requires a license from LARA in the administration of the MMFLA shall be accepted beginning on October 1, 2018.
 2. Any land use that requires a license from LARA in the administration of the MRTMA for a marihuana microbusinesses shall be accepted beginning on April 1, 2019.
 3. Any land use that requires a license from LARA in the administration of the MRTMA for all facilities shall be accepted beginning on October 1, 2019.”

Section 9. That a new Subsection D. be added to Section. 5.12.06. Neighborhood Meeting. of Title V, Chapter 61 of the Code of the City of Grand Rapids, as follows:

Sec. 5.12.06. Neighborhood Meeting.

“D. The Good Neighbor Plan

1. Applicability. Any establishment requiring a land use permit, as determined by Article 9, Section 5.9.19. Marihuana Facilities, will be required to submit a Good Neighbor Plan (GNP).
2. Purpose. The purpose of the GNP is to reduce potential negative impacts on nearby residents and businesses by specific uses. The coordination and collaboration of owners or operators with interested parties both before and after the development or licensing process allows for a proactive approach to create a positive working relationship between the community and the applicant by requiring the formulation of a written implementation program. This section provides a consistent method of addressing issues and likely areas of concern.
3. Additional Special Land Use information. In addition to the Use Regulations of Article 9, the application must include all of the following:
 - a. Good neighbor plan. A written implementation program containing all of the items listed below.
 - i. Crime prevention and awareness training.
 - ii. Training in the handling of State-regulated substances, where applicable.
 - iii. Litter control.
 - iv. Loitering control.
 - v. Trespass enforcement.
 - vi. Landscape maintenance.
 - vii. Neighborhood communication.
 - viii. Documentation of compliance with the City’s anti-discrimination policies and ordinances related to hiring, housing, and public accommodation practices, as applicable.
 - ix. Voluntary Equitable Development Agreement (VEDA), only required by Article 9 Use Regulations, Section 5.9.19 Marihuana Facilities.
 - b. Mitigation. Some uses by the nature of the activities occurring within, on, or around the property on which they are located may have a deleterious impact on the neighborhood, business, or industrial district, or any area in which the facility is situated. Potential impacts associated with operations, and opportunities to mitigate those impacts, shall be taken into consideration in the development of a Good Neighbor Plan and Special Land Use request. The creation of a Voluntary Equitable Development Agreement (VEDA) may be useful to assure the community that the use will contribute to the vibrancy, safety, and quality of life of the general vicinity of the facility. Considerations shall include:

- i. The adverse effects, if any, that the hours of operation of the proposed establishment will have upon neighboring properties, with particular attention to the effects of noise, odors, litter, loitering, parking, and glare from exterior lighting or headlights on nearby residential properties.
 - ii. The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed establishment, both outside and inside, with particular emphasis upon noise, calls for service, trespass enforcement, parking, vehicular use by patrons, and vandalism.
 - iii. Whether the proposed use makes adequate provisions to eliminate the potential for adverse impacts upon the stability of adjacent areas by depreciating the desirability of the property or nearby properties by the placement of the use; or, conversely, the exacerbation of price escalation in rents or values that would result in the displacement of residents or businesses and how the requested use might reasonably protect the surrounding area so as not to have an adverse impact.
 - iv. How the proposed use balances mobility options so as insure increased access and opportunity for those who might not own or be able to operate a vehicle, and to avoid an excessive parking burden or increased congestion in the general area.
- c. Record of good faith. The Special Land Use application must be accompanied by written verification that the owner, operator, manager, or a representative of the parent company met with or attempted in good faith to meet with the local recognized organization(s), adjacent property owners, and the Planning Department. The written verification must include all of the following:
- i. A copy of the notice and the names and addresses of those notified of the applicant's desire to meet;
 - ii. A copy of the time, date, and location of the meeting(s), and the names, addresses, and phone numbers of those who participated in the meeting(s);
 - iii. A copy of the draft good neighbor plan and, if applicable, site plan sent to the neighborhood association and as presented at the meeting(s), if different; and
 - iv. Identification of those components of the GNP which were agreed upon and those which were unresolved, plus any additional items discussed during the meeting(s)."

Section 10. That the definition of Marihuana in Subsection M. of Section 5.16.02. - Definitions. of Title V, Chapter 61 of the Code of the City of Grand Rapids be amended in its entirety, as follows:

Sec. 5.16.02. - Definitions.

M. Definitions—M.

“MARIHUANA, also known as MARIJUANA, also known as CANNABIS

The following words and phrases have the meanings ascribed to them when used in this Chapter:

- (a) CO-LOCATION means the siting and operation of a combination of multiple facilities or facility types at a single location.
- (b) FACILITY means a location at which a license holder is licensed to operate under the MMFLA, MRTMA or other applicable state law and administrative rules and regulations. For purposes of this chapter, a facility does not include a location used by a primary caregiver to assist a qualifying patient connected to the caregiver through LARA's medical marihuana registration process in accordance with the MMMA.
- (c) FACILITY PLAN means the plans required to be submitted to LARA in accordance with the applicable state law and administrative rules and regulations that includes among other things diagrams, floor plans, construction details, etc.
- (d) GROWER means a person licensed to cultivate marihuana pursuant to MMFLA, MRTMA, or other applicable state marihuana law.
 - 1. Class A: A grower licensed by LARA to grow not more than 500 marihuana plants.
 - 2. Class B: A grower licensed by LARA to grow not more than 1,000 marihuana plants.
 - 3. Class C: A grower licensed by LARA to grow in excess of 1,000 marihuana plants.The maximum number of plants allowed to be cultivated by a grower shall be controlled by state law and the terms of the licensee's state operating license(s).
- (e) INFUSED PRODUCT means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (f) LARA means the Department of Licensing and Regulatory Affairs, and any successor agency to the department.
- (g) LICENSEE means a person holding a state operating license.
- (h) LICENSING BOARD means the Medical Marihuana Licensing Board created by the MMFLA or other entity managed by LARA for licensing purposes.
- (i) MARIHUANA means all parts of the plant *Cannabis sativa* L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp grown or cultivated, or both, for research purposes under the industrial hemp research act.
- (j) MICROBUSINESS means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments. MMMA means the Michigan Medical Marihuana Act, 2008 IL 1, as amended MCL 333.26424 *et seq.*

- (k) MMMA means the Michigan Medical Marihuana Act, 2008 IL 1, as amended MCL 333.26424 *et seq.*
- (l) MMFLA means the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 *et seq.*
- (m) MMFLA RULES means rules, including emergency rules, promulgated by LARA to implement the MMFLA.
- (n) MRTMA means the Michigan Regulation and Taxation of Marihuana Act, an initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act. The proposed legislation is to be voted on at the General Election, November 6, 2018. For text of initiative petition, see Michigan House Journal 2018 HJ 42, 05/01/2018, page 764.
- (o) MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.
- (p) PREQUALIFICATION STEP means the portion of the application for a state operating license pertaining the applicant's financial background and the criminal history of the applicant and other associated persons.
- (q) PROCESSOR means a 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 or another processor.
- (r) PROVISIONING CENTER means one or more of the following:
 - (1) A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes a property where marihuana is sold to registered qualifying patients or registered primary caregivers.
 - (2) A licensee that is a marihuana retailer located in this state that obtains 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 in accordance with the MRTMA.
- (s) SAFETY COMPLIANCE FACILITY means a licensee authorized to test marihuana, including certification for potency and the presence of contaminants.
- (t) SECURE TRANSPORTER means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

- (u) STACKED GROWER LICENSE means more than 1 state operating license issued to a single licensee to operate as a Class C grower as specified in each license at a facility.
- (v) STATE OPERATING LICENSE or, unless the context requires a different meaning, "license" means a license that is issued under the MMFLA, MRTMA, or other applicable state marihuana law that allows the licensee to operate as a grower, processor, secure transporter, provisioning center, safety compliance facility, microbusiness, or other marihuana-related business. State operating license does not include a patient or caregiver registry identification card issued under MMMA.”