

# MEDICAL MARIJUANA GUIDEBOOK



CITY OF  
GRAND  
RAPIDS

Planning Department

August 2018

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## OVERVIEW

This guide is intended to assist potential medical marihuana business owners with the application process to establish a medical marihuana facility in the City of Grand Rapids. This manual will provide an overview of the zoning requirements and explain the application process in detail. Please refer to the [Cannabis Data Compendium](#) for additional information on the history of medical marihuana legislation in the State of Michigan and research on its potential impacts. You can also refer to the website (<https://www.michigan.gov/lara/0,4601,7-154-78089---,00.html>) of the Michigan Department of Licensing and Regulatory Affairs (LARA), Bureau of Medical Marihuana Regulation (BMMR) for further information on State licensing regulations.

## CITY OF GRAND RAPIDS ZONING REQUIREMENTS

- Special Land Use (SLU) approval is required for all marihuana-related land uses in the City of Grand Rapids, to ensure compatibility with adjacent properties and the community as a whole. Special Land Use Requests are reviewed by the City of Grand Rapids Planning Commission.
- The City Clerk will grant final authorization for the facility upon receipt of the signed resolution of approval from the Planning Commission.
- Applicants will be required to receive prequalification from LARA prior to applying for SLU approval.
- We will not be able to accept applications before November 1, 2018.

### License Types

- **Growers**—licensees that cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center. Registered patients and primary caregivers who lawfully cultivate marihuana in the quantities and for the purposes permitted under the Medical Marihuana Act are not considered “growers” under the new legislation.
  - Class A – Up to 500 marihuana plants
  - Class B – Up to 1,000 marihuana plants
  - Class C – Up to 1,5000 marihuana plants
- **Processors**—licensees that purchase marihuana from a grower and extract resin from the marihuana or create a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- **Provisioning centers**—licensees that purchase marihuana from a grower or processor and sell, supply, or provide marihuana to patients, directly or through the patient’s caregiver.
- **Secured transporters**—licensees that store marihuana and transport it between marihuana facilities for a fee.
- **Safety compliance facilities**—licensees that receive marihuana from a marihuana facility or primary caregiver and test it for contaminants and other substances.<sup>1</sup>

### Facilities Permitted and Zone Districts

The City of Grand Rapids will allow all five license types of medical marihuana facilities as defined by the MMFLA. The table below shows the zone districts where each type of facility is permitted.

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<sup>1</sup> See MCL § 333.27501 - § 333.27505.

**Table 1. Medical Marihuana License Types and Zone Districts**

License Type	Description	Zone District
Provisioning Center	Primary use	TCC, TBA, TOD, C and NOS <sup>2</sup>
	Accessory use not to exceed 25% of GFA	IT
Processor	Gross Floor Area of 15,000 sq-ft or less	TCC, TBA, TOD, C and IT
	Greater than 15,000 sq-ft Gross Floor Area	TCC, C and IT
Safety Compliance		TCC, TBA, TOD, C, NOS and IT
Secure Transporter		IT
Grower		IT

All facilities require **Special Land Use** approval, which entails a public hearing before the City Planning Commission, and typically takes several weeks from the submission of an application until the hearing. Subsequent minor expansions, class changes, or licensing stacking **may** be approved administratively by the Planning Director.

**Table 2. Approval Procedures for Medical Marihuana Facilities**

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

<sup>2</sup> The zone district abbreviations are as follows: TCC = Transitional City Center; TBA = Traditional Business Area; TOD = Transit Oriented Development; C = Commercial; NOS = Neighborhood Office Service; IT = Industrial-Transportation.

### Co-location and Stacked Licenses

There may only be one medical marihuana license per parcel, except where **co-location** and **stacked grower licenses** are permitted in the following circumstances:

- Stacked grower licenses are permitted in any Zone District where a grower license is permitted and will count as a single grower for the purposes of facility separation distance requirements. Following State regulations, a potential licensee may apply for and be granted multiple (“stacked”) class C grower licenses in a single location, subject to conditions.
- In Mixed-Use Commercial Zone Districts (TCC, TBA, TOD, C and NOS):
  - A Provisioning Center and a Processor may be co-located.
- In the Industrial-Transportation District (IT):
  - Co-location on the same parcel for a Grower, Processor, and Provisioning Center is permitted.
  - A Provisioning Center in the IT district will function as an office or retail accessory use not to exceed 25% of GFA of the facility.

Additional notes:

- Each license request for a facility will be considered separately.
- Co-location is subject to all applicable state laws, rules, and regulations concerning co-location, including but not limited to, LARA requirements for the separation of facilities.

**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 will be considered a new application, which requires zoning approval. The applicant must 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 be revoked. License transfer applications should be filed with the City Clerk.

### Separation Distance Requirements

The regulation of medical marihuana facilities includes required separation distances from sensitive uses. These uses include schools, childcare centers, and substance use disorder programs. The table below outlines the separation distance requirements by license type and type of sensitive use.

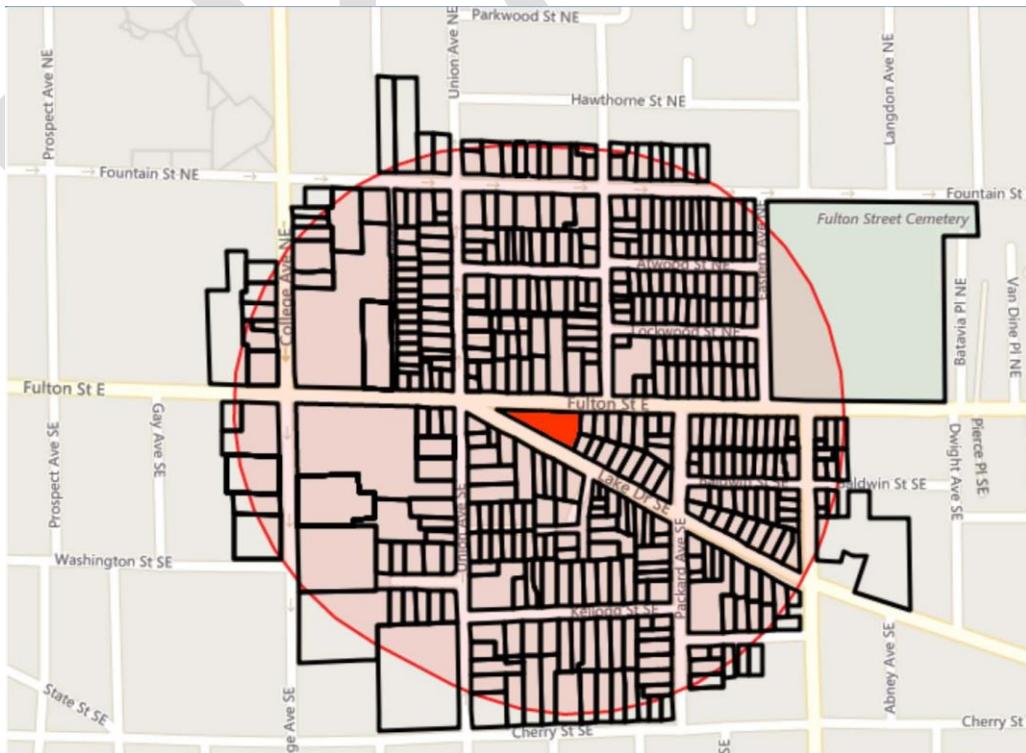
**Table 3. Separation Distance Requirements**

License Type	Sensitive Use	Separation Distance
Processor Safety Compliance Facility Secure Transporter Grower	Schools (Public or Private K-12) Child Care Centers Parks* Religious Institutions* Substance Use Disorder Programs* Linear Residential Buffers Other Medical Marihuana Facilities	1,000 ft
Provisioning Center	Schools (Public or Private K-12) Child Care Centers Parks* Religious Institutions* Substance Use Disorder Programs* Linear Residential Buffers Other Medical Marihuana Facilities	1,000 ft
	Other Provisioning Center	2,000 ft

\*Waiver permitted; see below for procedure.

Measuring Separation Distances

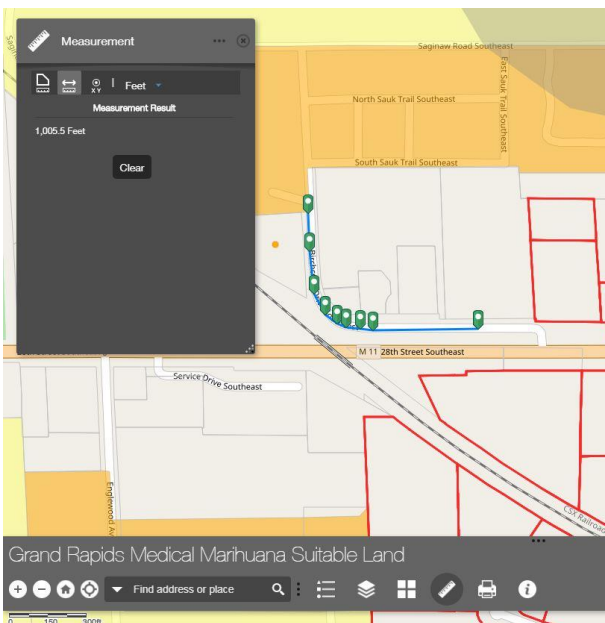
**Child care centers, schools, parks, religious institutions, substance use disorder programs:** Measure in a straight line from the nearest property line of a parcel used for a sensitive use to the nearest property line of a parcel used for a medical marihuana facility. A radius of 1,000 ft. should separate a medical marihuana facility and any of the above sensitive uses. This type of measurement is done “as the crow flies,” irrespective of the street grid.



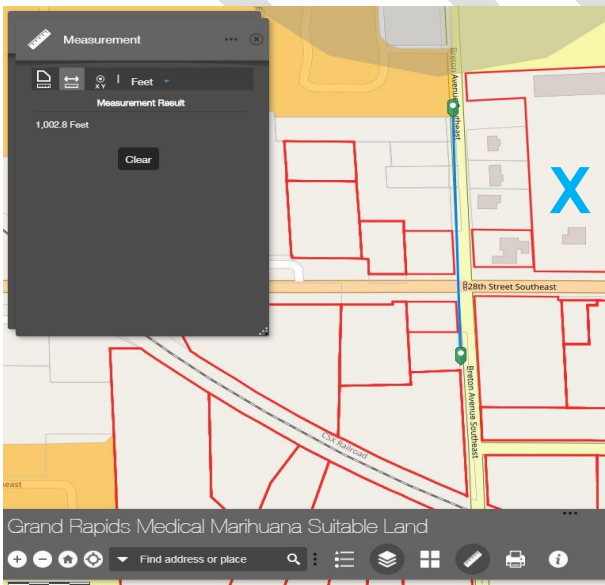
**Residential buffer:** Measure from the nearest property line of a parcel used for a medical marihuana facility to a residential zone district **along the primary street**. The measurement may follow curves in a street but does not turn a corner. Parcels located along either side of the street are considered in this calculation.

Residentially zoned properties located immediately behind a subject property would generally not require separation, while residentially zoned properties located on the same street within 1,000 ft. would require separation. See images below to compare the two scenarios.

Determining the primary street is necessary when the parcel is a corner lot. The primary street frontage is that with the highest annual average daily traffic (AADT) per the Michigan Department of Transportation (MDOT). Verify traffic data on the MDOT website ([https://www.michigan.gov/mdot/0,4616,7-151-11151\\_11033-22141--00.html](https://www.michigan.gov/mdot/0,4616,7-151-11151_11033-22141--00.html)).



In this example, 1,000 ft. along a **curved** street is measured. Residential zone districts are shown in orange. Thus, only the commercial parcels outlined in red are eligible for a medical marihuana facility.



In this example, 1,000 ft. along a **straight** street is measured. Parcels outlined in red are eligible for a medical marihuana facility. As you can see, the parcel indicated in blue has a primary frontage along 28<sup>th</sup> Street, not Breton Avenue. As such, the linear 1,000 ft. residential buffer would be measured along 28<sup>th</sup> Street for that parcel. Thus, residentially zoned parcels along Breton border the parcel, but as they do not share the same primary street frontage, the configuration is permitted.

### Waivers Permitted

The required separation distance between a proposed medical marihuana facility location and a sensitive use can be waived **only** for the following uses:

- Park or playground
- Church or place of worship
- Licensed Substance Abuse Disorder Program

To apply for a sensitive land use separation distance waiver for any of the above types of sensitive uses, submit the following with your Medical Marihuana Facility Special Land Use Application:

- Evidence that all sensitive uses within 1,000 ft. of the proposed medical marihuana facility location have been notified by the applicant of the intent to seek a waiver for the separation distance requirements
- Signed, notarized written consent by the property owner of the sensitive use
- Discussion of why the waiver will not have particularly detrimental effects on the sensitive use
- Written description of any consideration given

At the time of your public hearing, if the Planning Commission determines that the operation of the medical marihuana facility license for which you are applying will not have any particularly detrimental effects on the sensitive use at issue, a separation distance waiver will be granted. An applicant can apply for multiple sensitive use separation distance waivers with the same application.

### Data Sourcing

Planning staff are **not** able to confirm whether a location meets separation distance requirements. Applicants will be expected to perform their own due diligence in this respect. However, you can consult these lists of addresses/parcel numbers that will provide general guidance for site location, which are available on the City of Grand Rapids Medical Marihuana info page:

- [PDF](#)
- [GIS shapefiles](#)

Additionally, Planning Staff will be maintaining an [interactive map](#) showing potentially suitable properties and sensitive land uses that require separation distances, located on the Medical Marihuana info page. As medical marihuana facilities receive zoning approval, they will be added to the map. Again, applicants are responsible for verifying that they are in compliance with ordinance requirements and should perform research beyond the consultation of these lists and map.



Verifying sensitive land uses:

- Child care centers
  - Visit LARA’s Child Care Licensing Search (<http://w1.lara.state.mi.us/ChildCareSearch>).
  - Enter “Kent” for the County and “Grand Rapids” for the City. You can add additional detail to refine the results such as zip code or facility or licensee name.
- Schools (Public or Private K-12)
  - Public Schools: Consult the directory of schools on the City of Grand Rapids Public Schools website (<https://www.grps.org/ourschools>).
  - Private Schools: List maintained by the Michigan Department of Education. Call 517-373-6774 to confirm individual schools.
- Parks
  - The City of Grand Rapids Department of Parks and Recreation maintains a directory of all parks in the Grand Rapids area. Consult the [shapefile](#) on the Medical Marihuana info page. You can also visit <https://www.grandrapidsmi.gov/Directory/Places/Parks>
- Religious institutions
  - Check Kent County GIS and the City Assessor’s office to determine if a potential religious institution is a tax-exempt entity.
  - It is worth verifying that a potential religious institution within 1,000 ft. of a potential medical marihuana business location has rights under local ordinance (such as Zoning).
- Substance use disorder programs
  - Visit LARA’s Bureau of Community and Health Systems License/Registration Lookup: <https://w2.lara.state.mi.us/VAL/License/Search>.
  - Select “Business”
  - Enter “Grand Rapids” for the City, “Kent” for the County, and “Substance Abuse” for the License Type.
- Other medical marihuana businesses
  - City of Grand Rapids [interactive map](#).

## APPLICATION PROCESS

### Application Fee

**Initial fee:** A licensee must pay an initial, non-refundable registration fee of \$5,000 for each license used within the City of Grand Rapids. This fee includes the cost of a Special Land Use application. The holder of a stacked grower license or co-located licenses must pay a separate fee for each license.

**Renewal fee:** An annual registration fee for \$5,000 is due on the effective date of the land use approval for the medical marihuana facility. For example, if Special Land Use approval for a medical marihuana facility is approved on December 13, 2018, the effective date would be December 29, 2018. The renewal fee would then be due each year on December 29 in subsequent years.

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.

### Timeline for Review

The City of Grand Rapids will begin accepting applications for medical marihuana facilities at 8:00 a.m. on Thursday, November 1, 2018 at the City of Grand Rapids Development Center, 3<sup>rd</sup> Floor (1120 Monroe Avenue NW, Grand Rapids, MI 49503). The application procedure will be different for applications received on November 1, and those received after November 1. These procedures are explained on the following pages.

### **Review Order and Lottery for Selection**

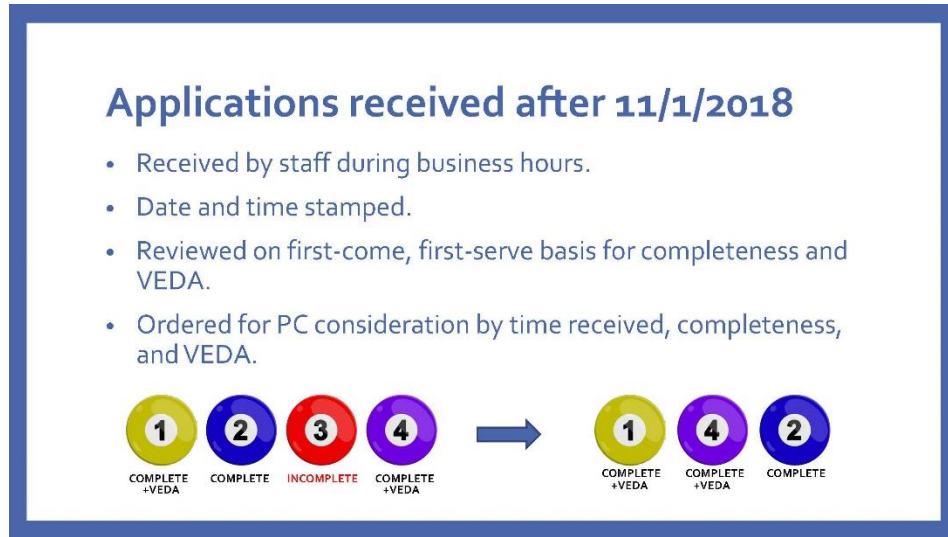
For applications received during business hours (8:00am-4pm) on Thursday, November 1, 2018:



1. **RECEIVE (Nov. 1)** – Application received by staff during business hours. Applicant will receive a selection lottery number at the time they submit.
2. **DRAW (Nov. 2)** – A lottery is held to select applicants for the review order.
3. **REVIEW** – Staff will review the submitted applications according to the order determined by the selection lottery. Applications will either be marked INCOMPLETE, COMPLETE, OR COMPLETE WITH VEDA.
4. **ACCEPT** – Complete applications with a VEDA will go first, followed by complete applications. Incomplete applications will be returned and reconsidered when missing documents are submitted.

- Complete and Complete + VEDA: Applicants will then be notified of their order for consideration and the Planning Commission date at which they will have their public hearing.
- Incomplete: Applicants will be notified that their application is incomplete, with the missing or incomplete documents indicated.

For applications received after November 1, 2018:



1. **RECEIVE** – Application received by staff during business hours and time and date stamped.
2. **REVIEW** – Applications will be reviewed on a first-come, first-served basis for completeness and VEDA.
3. **ACCEPT** – Applications will be ordered for Planning Commission consideration by time received, completeness, and VEDA.

-Complete and Complete + VEDA: Applicants will then be notified of their order for consideration and the Planning Commission date at which they will have their public hearing.

-Incomplete: Applicants will be notified that their application is incomplete, with the missing or incomplete documents indicated.

## Application Steps

Step 1. Apply for prequalification with the Michigan Department of Licensing and Regulatory Affairs (LARA), Bureau of Medical Marihuana Regulation.

Your application to the City of Grand Rapids will **NOT** be accepted if you have not been prequalified by LARA. To complete that application process, visit: <https://www.michigan.gov/lara/0,4601,7-154-78089---,00.html>.

Step 2. Determine where your medical marihuana business can be located.

- A. Review the requirements in Section 5.9.19. (Marihuana Facilities) and Section 5.12.09. (Special Land Uses) of the Zoning Ordinance.
- B. Confirm zoning designation
  1. View the City of Grand Rapids Zoning Ordinance here: <https://www.grandrapidsmi.gov/Directory/Programs-and-Initiatives/Zoning-Ordinance>.
  2. Click on the plus sign to the right of the MAPS heading, then click Zoning Detailed Map Set to download or view.
  3. On the first page of the Zoning Detailed Map Set, determine the Map on which your parcel is located.
  4. Go to that Map and check for your Neighborhood Classification and Zone District. This comprises your zoning designation. For example: TN-TBA (Traditional Neighborhood-Traditional Business Area).
- C. Confirm license type is appropriate for the zoning designation. See Table 1 above.
- D. Confirm that separation distances from sensitive land uses are satisfied. See Table 2 above.

Step 3. Pre-application consultation

A pre-application consultation with Planning Department staff is **required** prior to the submission of the application. To schedule, contact the Planning Department at 616-456-4100 or [planning@grcity.us](mailto:planning@grcity.us).

Step 4. Neighborhood outreach

Neighborhood outreach is required for a medical marihuana facility application. The purpose of neighborhood outreach is to inform nearby stakeholders of the proposed project, receive comments and address concerns about the proposal, and whenever possible, resolve conflicts in advance of Planning Commission review. Failure to conduct outreach activities will result in postponement or denial of the request.

A map of neighborhood associations can be found here:

<https://grandrapids.maps.arcgis.com/apps/InformationLookup/index.html?appid=cf77ce8a397b4136925a2b3238fbfac3>.

- A. Develop a Good Neighbor Plan (GNP) – **required**
  - i. The purpose of a Good Neighbor Plan 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.

- ii. A Good Neighbor Plan is a written document that describes **all** of the following methods to be employed:
  - a. Training of staff in crime prevention and awareness
  - b. Training of staff in the handling of State-regulated substances
  - c. Litter control
  - d. Loitering control
  - e. Trespass enforcement
  - f. Landscape maintenance
  - g. Neighborhood communication
  - h. Documentation of compliance with the City's anti-discrimination policies and ordinances related to hiring, housing, and public accommodation practices, as applicable.
- iii. The applicant will also provide written verification that the owner, operator, manager or representative of the parent company has met with or attempted in good faith to meet with local recognized organizations (i.e. neighborhood association, business association), adjacent property owners, and Planning Department staff. This written verification must include the following:
  - a. A copy of the notice and the names and addresses of those notified of the applicant's desire to meet.
  - b. 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), such as a sign-in sheet.
  - c. A copy of the draft GNP and site plan (if applicable) as sent to the neighborhood association and/or as presented at the meeting(s) *if different than as submitted in the SLU application*.
  - d. Identification of any components of the GNP which were agreed upon or left unresolved as a result of the meeting(s), and any additional items discussed.

B. Develop a VEDA – **strongly recommended**

- i. A Voluntary Equitable Development Agreement (VEDA) is strongly suggested as a vehicle for implementing positive community impacts. The VEDA is a written document meeting the requirements of the [City Commission's VEDA Policy](#) (900-55; January 30, 2018) detailing if and how the proposed facility will meet goals for the following Equitable Development Goals:
  - a. Investment in Vital Streets Transit Corridors
  - b. Support for alternative transportation and parking options
  - c. Housing type diversity and affordability
  - d. Compliance with the City's EBO policies, including Minority Business Enterprise (MBE) Contracts, Contract Compliance, EBO Construction, and EBO Goods and Services.
  - e. Local hiring
  - f. Advancement of neighborhood Area Specific Plan(s)
  - g. Job training opportunities
  - h. Employment opportunities
  - i. Asset Limited, Income Constrained, Employed (ALICE) wage goals
  - j. Planning phases of development and future development
  - k. Apprenticeship programming
  - l. Prevention of displacement
- ii. The VEDA must be prepared and filed in partnership with relevant neighborhood organization(s), or where such an organization does not exist, another community stakeholders group intended

to improve the conditions of the neighborhood, with a signed statement from the community partner attesting this.

Step 5. Submit the Special Land Use application with all required attachments, including the Medical Marihuana supplement.

- A. Special Land Use Application
  - i. Signed application form
  - ii. Response to SLU review standards
  - iii. Nature of proposed use
  - iv. Site and building layout
  - v. Site plans, building elevations and floor plans
  - vi. Neighborhood outreach
- B. Medical Marihuana Facility Supplemental Application
  - i. Statement of consent
  - ii. LARA application documents
  - iii. Documentation of required separation distances
  - iv. Proof of insurance
  - v. Building elevations
  - vi. Site plan
  - vii. Sign plan
  - viii. Lighting plan
  - ix. Operations and management plan
  - x. Good Neighbor Plan
  - xi. Crime Prevention Through Environmental Design (CPTED) plan
  - xii. VEDA – **optional but strongly recommended**

Step 6. Receive review number based on completeness of application and existence of VEDA.

Refer to the **Timeline for Review** section above to review the process for order selection for Planning Commission consideration.

Step 7. Planning Commission public hearing

- A. Notice of public hearing.
  - i. Following staff review, the SLU request is forwarded to the Planning Commission for a public hearing. A notice of public hearing is published in the Grand Rapids Press 15 days prior to the Planning Commission meeting. Property owners and residents within a 300 ft radius of the subject property are notified by post card. Interested persons may submit a letter of speak at the public hearing.
- B. Planning Commission meeting
  - i. All meetings of the Planning Commission are held in the Public Hearing Room on the second floor of 1120 Monroe Avenue NW.
  - ii. Each public hearing items for consideration is assigned an approximate start time. Planning staff introduces and explains the request. The applicant is then asked to present information on their proposal. The Planning Commission may ask questions of the staff and/or applicant. The Planning

Commission then allows public comment on the application, and a chance for the applicant to respond to any concerns or questions.

- iii. The public hearing is then closed and the Planning Commission deliberates on the request in open session. The Planning Commission may approve, approve with conditions, deny, or table the request. If approved, the effective date is 16 days following the decision.

C. Written notice

- i. The applicant will be provided with a letter and resolution that documents the decision of the Planning Commission, including any conditions of approval.

D. Appeal of denial

- i. If the Planning Commission denies an application for a Special Land Use, the applicant may appeal the decision to the Zoning Board of Appeals.
- ii. The appeal must be filed with the Planning Department within 15 days of the decision. Conditions of approval cannot be appealed.

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