

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

ORDINANCE NO. 2018-\_\_

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 facility | X   | <del>SP</del> | <del>SP</del> | <del>SP</del> | <del>SP</del> | <del>SP</del> | 5.9.19."                 |

Section 2. 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 four 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 maybe co-located as an office or retail accessory use (not to exceed 25% of GFA) | S             | 5.9.19.                  |
|  | Marihuana processor; a provisioning center maybe co-located as an office or retail accessory use (not to exceed 25% of GFA)                   | S             | 5.9.19.                  |
|  | Marihuana safety compliance facility  | <del>SP</del> | 5.9.19.                  |
|  | Marihuana secure transporter  | <del>SP</del> | 5.9.19."                 |

Section 53. That ~~a new~~the use row entitled “Marihuana Facilities” ~~be added to~~in 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, be amended 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  |
|  | Processor                  | 5.9.19. | —              | —                                    | Infused products <15,000 sq ft: TCC, TBA, TOD, C<br>Infused products > 15,000 sq ft: TCC and C<br>Any: IT |
|  | Provisioning center        | 5.9.19. | —              | —                                    | TCC, TBA, TOD, C, NOS, IT”  |
|  | Safety compliance facility | 5.9.19. | —              | <del>TCC, TBA, TOD, C, NOS, IT</del> | <del>TCC, TBA, TOD, C, NOS, IT</del>  |
|  | Secure Transporter         | 5.9.19. | —              | <del>IT</del>                        | <del>IT”</del>  |

Section 4. 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. The concentration of any one particular use within a geographic area can be burdensome for reasons of excessive parking needs and/or traffic congestion where there is high demand, and can limit the type and variety of businesses that might otherwise exist if there is an oversaturation. The City of Grand Rapids Master Plan describes the desire for mixed-use commercial zone districts and encourages a variety of land uses. Marihuana businesses have demonstrated a strong demand for storefront spaces and other business locations. It has been observed that without separation distances this particular use will concentrate in clusters. In order to limit the intensity and density of this use, and to recognize that separation distances are desired from sensitive uses (e.g. schools, ~~churches, day cares, religious institutions, child care centers, publicly owned~~ parks or playgrounds, substance use disorder program, residential zone districts), special regulations of marihuana facilities have been deemed necessary. It the intent of these provisions to ensure that quality of life is not impaired, neighborhood character is preserved, commercial retail viability and variety is enhanced and encouraged, or the stability of industrial areas is maintained.

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) 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 (MMMA).

A.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.

**B.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  |
| 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                                  | -   | <del>Special Land Use</del> Director Review                 |
| Safety Compliance Facility                                   | New or expansion in IT Zone                       | -   | <del>Special Land Use</del> Director Review                 |
|  | New or major expansion in TCC, C, or NOS          | 20% increase or more in square footage  | <del>Special Land Use</del> Director Review                 |
|  | 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  |

C.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, or where the Planning Director is authorized to grant administrative approval through Director Review. The City Clerk will grant final authorization for the facility upon receipt of the signed resolution of approval. 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~~the parcel used for the purposes stated in this subsection to the nearest property line of the parcel used as a marihuana facility.
  - a. The following minimum-distancing regulations shall apply to marihuana provisioning centers: other than provisioning centers co-located in an IT-District, pursuant to 5.9.19.E.3.c. A ~~facility~~provisioning center 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~~religious institution;
    - iv. 1,000 feet of a Substance Use Disorder Program licensed by the State of Michigan;
    - v. 1,000 feet of a Residential Zone District ~~(Article 5)~~, as defined in this Chapter, as measured along the primary street frontage on which the use is located; ~~and~~
    - vi. 2,000 feet of another provisioning center location; and
    - vi.vii. 1,000 feet of another marihuana facility location, other than a provisioning center.
  - b. The following minimum-distancing regulations shall apply to ~~all other~~ marihuana ~~facilities, except for processors, marihuana growers, and~~ marihuana provisioning centers: co-located in an IT-District pursuant to 5.9.19.E.3.c. 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~~religious institution;
    - iv. 1,000 feet of a Substance Use Disorder Program licensed by the State of Michigan;
    - v. 1,000 feet of a Residential Zone District (Article 5) as measured along the primary street frontage on which the use is located; and
    - vi. 1,000 feet of another facility location (see 5.9.19.E.3.).
  - c. For the purpose of determining a separation distance described in this section the following definitions shall apply:
    - i. A marihuana facility is defined as a location at which Special Land Use has been approved pursuant to this section.
    - ii. School is defined as any building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.
2. Waiver. The required separation distances between a proposed marihuana facility location and sensitive uses cannot be waived except as allowed in this Section:.

- a. Sensitive uses that may be considered eligible for a separation distance waiver are only as follows: publicly owned park or playground, ~~church or place of worship~~religious institution, or a licensed Substance Use Disorder Program.
- b. ~~Evidence~~The application shall provide evidence that all eligible sensitive uses within 1,000 feet of the proposed marihuana facility location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements.
- c. ~~Consent by the owner of the~~ If an eligible sensitive land use ~~that is signed and notarized shall be provided~~files a written objection with the Planning Department, the Planning Commission shall consider the objection at a public hearing before making a decision on an application; and.
- d. ~~The~~ If an objection is not filed by an eligible sensitive land use, the Planning Commission may waive the required separation distance.
- d.e. No waiver may be granted pursuant to this section unless the Planning Commission finds that the operations of the marihuana facility within the specified minimum-distancing separation does not have any particularly detrimental effects on the sensitive use at issue.

3. 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 use must be considered separately.
- c. In the Industrial-Transportation District, co-location on the same parcel for ~~grow, processing~~growers, processors, 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 use must be considered separately.

~~4. 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.F. 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. If more than one use is being requested for a parcel at the same time (e.g. co-location) only one application shall be processed. Only one application shall be processed per parcel; competing applications for the same parcel will be rejected. 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. or proof that the applicant has filed an application for the prequalification step with LARA, including all necessary application fees. The required LARA marijuana facility plan and security plan shall be submitted. 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~~ made available upon request when such information is necessary and reasonably related to the application review.
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~~ child care centers, schools, publicly owned parks, ~~churches, rehabilitation facilities or playgrounds, religious institutions, Substance Use Disorder Programs,~~ and any ~~marijuana~~ marihuana facilities within 1,000 feet of the proposed location. If the application is for provisioning center, the map shall also contain any provisioning centers within 2,000 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 security measures ~~and the life-cycle of marihuana~~ in the facility; this may include the movement of the product, methods of storage, cash handling, etc. See also Section 5.9.19.FG.
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. Marihuana Industry Voluntary Equitable Development Agreement (MI - VEDA). A VEDA may be required to assist in mitigating any potential adverse impacts associated with the marihuana 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.G. Operations. Marihuana 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.a. 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.

~~e.b.~~ 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.c.~~ 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~~marihuana 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 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 wheelchair accessible.

~~g. A sign shall be posted in viewable location from the public right-of-way that contains contact information.~~

~~h.g.~~ The separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit shall only be allowed in the IT Industrial-Transportation zone district.

~~i.h.~~ 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.i.~~ 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.H. 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.I. 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.

H.J. Violations. Failure to comply with the requirements of this Section shall be considered a violation and may jeopardize the Director or 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~~may be revoked or suspended ~~automatically~~for ~~either~~any 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.

4. Failure to obtain state license. In addition to the requirements stated in 5.12.09.H(2) or 5.12.16.B(6), whichever is applicable, if the applicant fails to obtain the necessary license from LARA within the one (1) year approval period or any extension, the Director or Special Land Use shall expire.

5. Cessation of operations. Cessation of operations, including failure to maintain state licenses necessary to engage in the approved land use is cause for revocation of the Director or Special Land Use approval.

J.K. 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.L. State Law. Nothing in this Chapter shall be construed in such a manner as to conflict with the MMMA, MMFLA, or other applicable state marihuana law or rules.

L.M. 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.N. Receipt of Applications. The Planning Department shall accept applications for any land use that requires a license from LARA in the administration of the MMFLA ~~or other applicable state marihuana law~~ beginning on ~~November 1, 2018~~January 22, 2019.

Section ~~95~~. 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. Marihuana Industry Voluntary Equitable Development Agreement (MI-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 Marihuana Industry Voluntary Equitable Development Agreement (MI-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 ~~10-6~~. That the following definition in Subsection P, Section 5.16.02. - Definitions. of Title V, Chapter 61 of the Code of the City of Grand Rapids be added:

~~Sec. 5.16.02. "P. Definitions.—P.~~

PLAYGROUND

~~(a) An any outdoor facility intended for recreation, open to the public, and with any portion thereof containing apparatus intended for the recreation of children."~~

Section ~~447~~. That this Ordinance shall take effect on ~~November 1, 2018~~January 17, 2019.