

**NOTICE OF ORDINANCE ADOPTION
CITY OF GRANDVILLE
ZONING ORDINANCE NO. 281-T**

PUBLIC NOTICE is hereby given that Zoning Ordinance No. 281-T was adopted by the City Council of the City of Grandville on October 26, 2020.

THE CITY OF GRANDVILLE ORDAINS:

Section 1. Home Occupations

SECTION 12.11 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

A home occupation is permitted as an accessory use in a residential zone district and includes any use that:

- A. Is conducted entirely within a principal residential building and is not visible from the street or from a neighboring premise.
 - B. Does not change the physical character of the building in which it is conducted.
 - C. Does not constitute, create, or increase a nuisance to neighboring uses.
 - D. Is conducted on a single floor of the residential building and is operated by its inhabitants plus not more than one other person.
 - E. Employs only mechanical equipment similar to that which is used for household and hobby purposes and does not affect insurance rates of the premises.
 - F. Does not display a sign that is not permitted in the zone district in which the occupation is conducted.
 - G. Does not devote more than 50 percent of the floor area of one story of the dwelling to the home occupation;
 - H. Does not increase parking congestion on any street. Business related parking is limited to two vehicles of which only one may be parked on the street.
 - I. Does not keep stock in trade or for-sale commodities on the premises.
 - J. Conforms to all requirements of the zone district in which it is located.
 - K. Limited outdoor activities are permitted such as, but not limited to, dog training and walking, fitness training, and self-serve garden and flower stands so long as the use does not change the physical character of the premises on which its conducted, is operated by its inhabitants plus not more than one other person, and there is compliance with subsections C, E, F, H and I above.
 - L. Medical Marihuana Regulations
 - 1. Definitions – The following words, terms and phrases shall have the following meanings for purposes of this Section:
 - a. "Act" means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being MCL 333.26421 et seq., as well as any and all amendments thereto, and also any legislation enacted in law to implement that statute.
 - b. "Marihuana" is also known as Marijuana and Cannabis.
 - c. "Medical Marijuana Dispensary" means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marijuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:
 - i. A primary caregiver as defined by the Act.
 - ii. A qualifying patient as defined by the Act.
 - iii. Members of the general public.
- A medical marijuana dispensary shall also include any place, location, facility, or

operation, whether fixed or mobile, where medical marijuana is smoked or consumed where three or more persons are present and smoking or consuming medical marijuana.

A medical marijuana dispensary does not include the lawful dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five (5) qualifying patients (as defined by the Act), so long as the primary caregiver personally delivers the lawful amount of medical marijuana to the qualifying patient in full compliance with not only the City of Grandville Zoning Ordinance, but all applicable Michigan and federal laws and regulations.

d. "Medical use of Marijuana" is the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.

e. "Primary Caregiver" shall be as defined by the Act.

f. "Qualifying Patient" shall be as defined by the Act.

2. Possession, Growth, Storage, Dispensing and Use of Medical Marijuana

a. Any person holding a valid registry identification card issued by the State of Michigan Department of Health, either as a patient or as a caregiver, and who is allowed to possess, grow, store, dispense or use medical marijuana in full compliance with the Act, may possess, grow, store, dispense or use marijuana in compliance with that law in all residential zone districts (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, PB, and RMH District) as a home occupation. In addition to compliance with the Act, the home occupation shall also be subject to all of the requirements of Section 12.11 above, except for Section 12.11(I).

b. This Section shall not apply to those not possessing a valid registry identification card issued by the State of Michigan Department of Health, even if they are immune from prosecution under Section 8 of the Act.

d. Any residentially zoned property, as defined in Section 2(a) above, in which medical marijuana is possessed, grown, stored, dispensed or used, pursuant to a valid registry identification card issued by the State of Michigan Department of Health, shall be in full compliance with all building codes, building maintenance codes, plumbing codes, electrical codes, HVC/mechanical codes, and all other applicable codes adopted and/or enforced by the City of Grandville, for the protection of the property, occupants or owners of that property and surrounding properties. Failure to do so shall constitute a violation of this zoning ordinance and subject all violators to all penalties or provisions of this Ordinance as well as a violation of the applicable codes which are described above.

e. Possession, growth, storage, dispensation or use of medical marijuana shall not be allowed in any zone district, except those residential zone districts described in Section 2(a) above, unless specifically allowed by the Act, or other state or federal law which may supersede this Ordinance.

f. Nothing in this Ordinance shall be construed to allow any use of any property that would otherwise be illegal under federal, state, or local law.

g. No medical marijuana dispensary shall be commenced, conducted, maintained, operated or utilized anywhere within the City of Grandville or on or from any property, land, building or structure within and from the City of Grandville. Furthermore, no person shall frequent, patronize or obtain or purchase any marijuana from or through any

medical marijuana dispensary within the City of Grandville.

3. Required Compliance with Federal Law

a. Nothing in this Ordinance is intended to grant, nor shall any provisions of this Ordinance be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marijuana which is not in strict compliance with the Act, the Ordinance and all other applicable laws and regulations.

b. Since federal laws are not affected by the Act or this Ordinance, nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. The act and this Ordinance do not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use of marijuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.

4. Severability – The various parts, section and clauses of this Ordinance are hereby declared to be severable. If any parts, sentence, paragraph, section or clause is adjudged unconstitutional or involved by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 2. Effective Date.

This Ordinance shall become effective ten (10) days or upon publication in a newspaper in general circulation within the City of Grandville.

This publication of the summary of this Ordinance is intended to meet the requirements for publication as authorized under the provisions of Public Act 182 of the Public Acts of 1991, State of Michigan. No further publication of this Ordinance is required or contemplated by the City. A true and complete copy of this Ordinance can be inspected or obtained at the Office of the City Clerk, 3195 Wilson Avenue, SW, Grandville, MI 49418.

Marei Poley-Kwiatkowski

Grandville City Clerk

ADOPTED: 10/26/2020

PUBLISHED: 11/17/2020

ORDINANCE NO. 281-T
AN ORDINANCE TO AMEND ORDINANCE NO. 281
THE ZONING ORDINANCE OF 2010, SECTION 12.11

THE CITY OF GRANDVILLE ORDAINS:

Section 1. Home Occupations

SECTION 12.11 SHALL BE AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

A home occupation is permitted as an accessory use in a residential zone district and includes any use that:

- A. Is conducted entirely within a principal residential building and is not visible from the street or from a neighboring premise.
- B. Does not change the physical character of the building in which it is conducted.
- C. Does not constitute, create, or increase a nuisance to neighboring uses.
- D. Is conducted on a single floor of the residential building and is operated by its inhabitants plus not more than one other person.
- E. Employs only mechanical equipment similar to that which is used for household and hobby purposes and does not affect insurance rates of the premises.
- F. Does not display a sign that is not permitted in the zone district in which the occupation is conducted.
- G. Does not devote more than 50 percent of the floor area of one story of the dwelling to the home occupation;
- H. Does not increase parking congestion on any street. Business related parking is limited to two vehicles of which only one may be parked on the street.
- I. Does not keep stock in trade or for-sale commodities on the premises.
- J. Conforms to all requirements of the zone district in which it is located.
- K. Limited outdoor activities are permitted such as, but not limited to, dog training and walking, fitness training, and self-serve garden and flower stands so long as the use does not change the physical character of the premises on which its conducted, is operated by its in habitants plus not more than one other person, and there is compliance with subsections C, E, F, H and I above.
- L. Medical Marihuana Regulations

1. Definitions – The following words, terms and phrases shall have the following meanings for purposes of this Section:
 - a. "Act" means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being MCL 333.26421 et seq., as well as any and all amendments thereto, and also any legislation enacted in law to implement that statute.
 - b. "Marihuana" is also known as Marijuana and Cannabis.
 - c. "Medical Marijuana Dispensary" means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marijuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:
 - i. A primary caregiver as defined by the Act.
 - ii. A qualifying patient as defined by the Act.
 - iii. Members of the general public.

A medical marijuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marijuana is smoked or consumed where three or more persons are present and smoking or consuming medical marijuana.

A medical marijuana dispensary does not include the lawful dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five (5) qualifying patients (as defined by the Act), so long as the primary caregiver personally delivers the lawful amount of medical marijuana to the qualifying patient in full compliance with not only the City of Grandville Zoning Ordinance, but all applicable Michigan and federal laws and regulations.

- d. "Medical use of Marijuana" is the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.
 - e. "Primary Caregiver" shall be as defined by the Act.
 - f. "Qualifying Patient" shall be as defined by the Act.
2. Possession, Growth, Storage, Dispensing and Use of Medical Marijuana
 - a. Any person holding a valid registry identification card issued by the State of Michigan Department of Health, either as a patient or as a caregiver, and who is allowed to possess, grow, store, dispense or use medical marijuana in full

compliance with the Act, may possess, grow, store, dispense or use marijuana in compliance with that law in all residential zone districts (R1-A, R1-B, R1-C, R2-A, R2-B, R3-A, R3-B, PB, and RMH District) as a home occupation. In addition to compliance with the Act, the home occupation shall also be subject to all of the requirements of Section 12.11 above, except for Section 12.11(I).

- b. This Section shall not apply to those not possessing a valid registry identification card issued by the State of Michigan Department of Health, even if they are immune from prosecution under Section 8 of the Act.
- d. Any residentially zoned property, as defined in Section 2(a) above, in which medical marijuana is possessed, grown, stored, dispensed or used, pursuant to a valid registry identification card issued by the State of Michigan Department of Health, shall be in full compliance with all building codes, building maintenance codes, plumbing codes, electrical codes, HVC/mechanical codes, and all other applicable codes adopted and/or enforced by the City of Grandville, for the protection of the property, occupants or owners of that property and surrounding properties. Failure to do so shall constitute a violation of this zoning ordinance and subject all violators to all penalties or provisions of this Ordinance as well as a violation of the applicable codes which are described above.
- e. Possession, growth, storage, dispensation or use of medical marijuana shall not be allowed in any zone district, except those residential zone districts described in Section 2(a) above, unless specifically allowed by the Act, or other state or federal law which may supersede this Ordinance.
- f. Nothing in this Ordinance shall be construed to allow any use of any property that would otherwise be illegal under federal, state, or local law.
- g. No medical marijuana dispensary shall be commenced, conducted, maintained, operated or utilized anywhere within the City of Grandville or on or from any property, land, building or structure within and from the City of Grandville. Furthermore, no person shall frequent, patronize or obtain or purchase any marijuana from or through any medical marijuana dispensary within the City of Grandville.

3. Required Compliance with Federal Law

- a. Nothing in this Ordinance is intended to grant, nor shall any provisions of this Ordinance be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marijuana which is not in strict compliance with the Act, the Ordinance and all other applicable laws and regulations.

- b. Since federal laws are not affected by the Act or this Ordinance, nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. The act and this Ordinance do not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use of marijuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.
4. Severability – The various parts, section and clauses of this Ordinance are hereby declared to be severable. If any parts, sentence, paragraph, section or clause is adjudged unconstitutional or involved by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 2. Effective Date.

This Ordinance shall become effective ten (10) days or upon publication in a newspaper in general circulation within the City of Grandville.

Moved by Council Member Joshua Meringa and seconded by Council Member Andy Steenstra, that the foregoing Ordinance be adopted.

YEAS: Council Member Joshua Meringa, Justin Noordhoek, Andy Steenstra, Tim Steenstra, Paul Troost, J.R. VanderWall and Mayor Steve Maas
NAYS: None
ABSENT: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Grandville City Council in a regular session held on October 26, 2020, and was published in the Advance on November 17, 2020.




Marci Poley-Kwiatkowski,
City Clerk

INTRODUCED: 10/12/2020
ADOPTED: 10/26/2020
PUBLISHED: 11/17/2020
EFFECTIVE: 11/17/2020