1. Meeting Called to Order

2. Approval of the Agenda

3. Approval of the May 2019 Meeting Minutes

4. Communications
   A. RRC Baseline Report

5. Public Comment
   *Persons wanting to address the Commission on any subject may do so at this time. Please come forward to the podium, provide your name, and keep your comments to three minutes or less. Public comments will not be received at any other time during the meeting.*

6. Unfinished Business
   A. Resolution 19-04 Arconic Site Plan
   B. Recreational & Medical Marijuana Ordinances

7. New Business
   A.

8. Adjournment
Whitehall Planning Commission
Meeting Minutes
May 7, 2019

Present
B. Armstrong, D. Bedau, D. Bowyer, J. Guzman-Celedon, D. Hillebrand, V. Irby, S. Salter

Also Present
City Attorney R. Sweeting

Absent
T. Cabala, C. Mahoney

Call to Order
Chair Bedau called the meeting to order at 6:00 p.m.

Agenda
Motion by Salter, second by Guzman-Celedon, CARRIED, to approve the agenda as submitted. All ayes.

Minutes
Motion by Irby, second by Bowyer, CARRIED, to approve the April 2019 minutes as submitted. All ayes.

Communications

Public Comment

Unfinished Business

New Business
A. VanDyke Special Use Permit
Motion by Hillebrand, second by Irby, CARRIED, to approve Resolution 19-03 allowing an adult small group home for up to twelve adults at 1302 Warner Street as requested and to recommend a refund of the special use application fee. All ayes.

B. Arconic Site Plan
Motion by Armstrong, second by Irby, to approve Resolution 19-04 allowing the expansion of a wastewater treatment facility at Plant #3 as requested.
Motion by Salter, second by Bowyer, CARRIED, to postpone action on Resolution 19-04 until such time as representatives from Arconic can address concerns about noise, lights, and type of waste to be treated. All ayes.

C. Pekadills Site Plan Extension
Motion by Salter, second by Guzman-Celedon, CARRIED, to approve Resolution 19-05 providing a one year extension to the approved site plan for an expansion at 503 South Mears. All ayes.

D. Capital Improvement Program
Motion by Hillebrand, second by Irby, CARRIED, to approve the 2019 to 2025 Capital Improvement program. All ayes.

Adjournment
There being no further business, Chair Bedau adjourned, the meeting at 6:40 p.m.
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Redevelopment Ready Communities® (RRC) is a certification program supporting community revitalization and the attraction and retention of businesses, entrepreneurs and talent throughout Michigan. RRC promotes communities to be development ready and competitive in today’s economy by actively engaging stakeholders and proactively planning for the future—making them more attractive for projects that create places where people want to live, work and invest.

To become formally engaged in the RRC program, communities must complete the RRC self-evaluation and a community representative must attend all six best practice trainings. The governing body must also pass a resolution of intent, outlining the value the community sees in participating in the program. Representatives from City of Whitehall’s city staff submitted the self-evaluation in December 2017 and completed training in February 2017. In July 2017, city council passed a resolution of intent to participate in the program.

Through participation in the RRC certification process, Whitehall will have the opportunity to strengthen its collaborative efforts with local partners and have the potential to both support existing talent and attract new talent to the city. Strengthening local partnerships with the planning commission, city council, tax increment finance authority, economic development partners, real estate firms, property owners and residents can help the city share the workload to complete the RRC Best Practices. Developed by experts in the public and private sector, the RRC Best Practices are the standard to achieve certification. The best practices are designed to create a predictable experience for investors, businesses and residents working within a community; communities must demonstrate that all best practice criteria have been met to receive RRC certification.

To reach certification, the city will need to continue its proactive efforts in planning and zoning and solidify its already impressive resources that are available on the city’s website. A capital improvements plan (CIP) will need to be updated in order to meet RRC criteria. The CIP is a crucial document to plan for future projects that will help propel Whitehall forward. An economic development plan and marketing strategy will need to be developed. Developing a marketing strategy will help the city prioritize resources in order to best communicate with the public. An economic development plan will assist in identifying opportunities and challenges when it comes to business attraction and retainment, and how Whitehall plans to tackle those barriers. Other items such as the public participation plan will need to be created and amendments to the zoning ordinance.

The RRC process is designed to help communities build capacity and improve their development-related practices. Ultimately, RRC is built on the idea that community development is a collaborative effort and is only successful when multiple stakeholders come to the table. With hard work and engaging with different stakeholders, Whitehall will be well positioned to move forward in the RRC process.
The basic assessment tool for evaluation is the RRC Best Practices. These six standards were developed in conjunction with public and private sector experts and address key elements of community and economic development. A community must demonstrate all of the RRC Best Practice components have been met to become RRC certified. Once received, certification is valid for three years.

Measurement of a community to the best practices is completed through the RRC team’s research, observation and interviews, as well as the consulting advice and technical expertise of the RRC advisory council. The team analyzes a community’s development materials, including, but not limited to: the master plan; redevelopment strategy; capital improvements plan; budget; public participation plan; zoning regulations; development procedures; applications; economic development strategy; marketing strategies; and website.

A community’s degree of attainment for each best practice criteria is visually represented in this report by the following:

<table>
<thead>
<tr>
<th>Color</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green</td>
<td>Indicates the best practice component is currently being met by the community.</td>
</tr>
<tr>
<td>Yellow</td>
<td>Indicates some of the best practice component may be in place, but additional action is required.</td>
</tr>
<tr>
<td>Red</td>
<td>Indicates the best practice component is not present or is significantly outdated.</td>
</tr>
</tbody>
</table>

This report represents the community’s current status in meeting all the redevelopment ready processes and practices. This baseline establishes a foundation for the community’s progress as it moves forward in the program. All questions should be directed to the RRC team at RRC@michigan.org.
City of Whitehall has completed 19 percent of the Redevelopment Ready Communities® criteria and is in the process of completing another 41 percent.
Best Practice findings

Best Practice 1.1—The plans

Best Practice 1.1 evaluates community planning and how the redevelopment vision is embedded in the master plan, downtown plan and capital improvements plan. The master plan sets expectations for those involved in new development and redevelopment, giving the public some degree of certainty about the community’s vision for the future, while assisting the city in achieving its stated goals. Local plans can provide key stakeholders with a road map for navigating the redevelopment process in the context of market realities and community goals.

The Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008, requires that the planning commission create and approve a master plan as a guide for development and review the master plan at least once every five years after adoption. With the assistance of countless hours and efforts of community leaders, staff and volunteers, the city of Whitehall last adopted their master plan on June 2, 2015. Whitehall 2030, planning for the future, is a comprehensive document that details the vision for Whitehall. It includes information on demographics, a zoning plan, complete streets concepts and a strategies and action plan. Goals and objectives identified in the master plan have identified responsible parties, priority projects, funding, action and a timeline to ensure that the vision of the master plan is being implemented. As an added bonus the master plan also encompasses the parks and recreation plan. The location of the parks and recreation plan ties in very well with improving important community spaces. From barrier free access, bike path connections and new recreation amenities the plan provides identified projects through 2020 alongside estimated project costs and potential funding opportunities.

City of Whitehall zoning plan is divided into 12 zoning districts, ranging from residential to commercial. The master plan identifies opportunities for zoning changes in order to remain consistent with the community’s vision for the future of Whitehall. The zoning plan and its identification of opportunities provides a framework for how changes can be integrated into the zoning ordinance. Chapter 11, “Goals and Objectives,” hits on key subjects, important to Whitehall future progress. Each subject contains a set of goals and objectives. Subjects include:

- Public infrastructure and services;
- Land use and zoning;
- Waterfront;
- Downtown;
- Environmental protection and sustainability.

An identified strategy to implement the 2030 plan is for Whitehall to review and track completion of goals, objectives, and activities on an annual basis. As mentioned earlier, the plan has a good implementation matrix that sets up an organized method on tracking goals and objectives yearly to ensure progress is being made. The master plan also does a good job identifying elements of strategies for redevelopment areas. Strategies focus on preserving building characteristics, development of vibrant mixed-use corridors, and plans for other redevelopment areas. Staff will need to identify how they are meeting the identified strategy of yearly review in the master plan.

There are elements of the downtown plan included in the master plan and through the tax increment finance authority (TIFA) plan which was last updated in 1985. The TIFA plan identifies several projects along with estimated costs and timelines through 2020. Projects vary from purchasing property to the demo of buildings and reconstructing mixed use buildings, trail relocations, sidewalk improvements and public facilities. These projects work in tandem with those recommendations identified in the master plan which include, encouraging upper residential housing, reducing building vacancy and improving pedestrian walkability. Coordination between plans is essential, especially between the master plan and capital improvements plan, as the plans lay out the foundation for desired development of projects.

Over the years, as cities grow, infrastructure needs to adapt and pave the way for future growth. Infrastructure needs to consider new technology, transportation laws, building codes, building design and city layout. Therefore, it will be important for Whitehall to keep up with those changes. A comprehensive capital improvement plan (CIP) is an essential tool for the planning and development of the physical and economic well-being of a community. The CIP is a tool used to implement the vision and goals identified in other plans,
Best Practice 1.1—The plans *continued*

including the master plan and downtown plan, and provides a link between planning and budgeting for capital projects. The CIP is currently reflecting fiscal years 2017–2023. The capital improvements plan will need to be updated to reflect the current fiscal year, and yearly in order to align with the RRC Best Practice and the Michigan Planning Enabling Act (PA 33 of 2008). Staff in all departments should review the CIP and work to prioritize infrastructure needs, ensuring close alignment between community-developed plans and implementation.

<table>
<thead>
<tr>
<th>Status</th>
<th>Evaluation criteria</th>
<th>Recommended actions for certification</th>
<th>Estimated timeline</th>
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</thead>
<tbody>
<tr>
<td>1.1.1</td>
<td>The governing body has adopted a master plan in the past five years.</td>
<td>☐ Identify how progress is annually reported to the governing body</td>
<td>6 months</td>
</tr>
<tr>
<td>1.1.2</td>
<td>The governing body has adopted a downtown plan.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>1.1.3</td>
<td>The governing body has adopted a corridor plan.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>1.1.4</td>
<td>The governing body has adopted a capital improvements plan.</td>
<td>☐ Update CIP to reflect current fiscal year and continue to update yearly</td>
<td>7 months</td>
</tr>
</tbody>
</table>
Best Practice 1.2—Public participation

Best Practice 1.2 assesses how well the community identifies and engages its stakeholders on a continual basis. Public participation aims to prevent or minimize disputes by creating a process for resolving issues before they become an obstacle. Predictability and public support are essential to attract the right type of development to a community. Developers and city staff are not the only key stakeholders in what happens in the city, proactive public input is critical in creating a harmonious community.

Whitehall currently uses the basic methods of communication by following the open meetings act and newspaper postings, website postings, postcards, and attachment to water bills. Additionally, the city uses proactive outreach tools including individual mailings and social networking. Staff and partners should consider adding additional proactive methods of engagement in order to ensure all efforts are being done to outreach to the public. Creating a straightforward process to ensure the voices of community members are heard helps create a sense of place, which has the potential to attract new community members to participate in the future of Whitehall. In order to facilitate consistent future public engagement, the city should formalize a comprehensive public participation plan. This plan can help the city determine which methods of engagement it would like to pursue, identify when and how each method would be used, and establish ways to measure the effectiveness of each method. When formalizing the public participation strategy, the plan should identify goals and objectives, key stakeholders, methods of communication, strategies for outreach and how to communicate results to the public.

Once the plan is created, the public participation plan should identify local and regional economic development, state and municipal partners. News and media outlets are another opportunity for partnerships in public participation in an effort to get news out on community events, meetings, or seeking public input. The plan can also be a chance for the city to engage stakeholders to identify opportunities for partnerships. The final component of any public participation strategy is to ensure that the results of public participation efforts are shared, so stakeholders who were not able to attend can learn what happened and those who did attend can see the results of their efforts. Information like this should be highlighted via social media, be made available on the city website’s homepage, or the community newsletter that goes out four months out of the year. An explanation of how the city will share public input results should be included in the plan. When completed, it can be used as a guiding document for the creation of future plans.

Based on the information obtained during this evaluation, this report recommends the following to help the city reach RRC certification:

• Describe public participation methods and appropriate venues to use each method;
• Identify key stakeholders;
• Develop specific actions for meeting objectives;
• Be formatted to allow a third-party to adhere to the public participation strategy if needed;
• Create a method to track and share success of various outreach methods;
• Establish a method to assist a developer in soliciting input on a proposal early in the site plan approval process.

With this information outlined in a plan, the city and its stakeholders will have a clear understanding of expectations for communicating in a consistent and transparent manner.
# Best Practice findings

## Best Practice 1.2—Public participation **continued**

<table>
<thead>
<tr>
<th>Status</th>
<th>Evaluation criteria</th>
<th>Recommended actions for certification</th>
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</thead>
<tbody>
<tr>
<td>1.2.1</td>
<td>The community has a public participation plan for engaging a diverse set of community stakeholders.</td>
<td>☐ Create a formalized public participation plan</td>
<td>10 months</td>
</tr>
<tr>
<td>1.2.2</td>
<td>The community demonstrates that public participation efforts go beyond the basic methods.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>1.2.3</td>
<td>The community shares outcomes of public participation processes.</td>
<td>☐ Outline how the community will share outcomes of public participation events</td>
<td>10 months</td>
</tr>
</tbody>
</table>
Best Practice 2.1—Zoning regulations

Best Practice 2.1 evaluates the city’s zoning ordinance and assesses how well it implements the goals of the master plan. Zoning is a significant mechanism for achieving desired land use patterns and quality development. Foundationally, the Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006, requires that a zoning ordinance be based on a plan to help guide zoning decisions. The zoning code for the city of Whitehall was last updated in July 2016 and should be reviewed to ensure alignment with existing master plan. A direct link to the zoning ordinance can be found online under the planning/zoning webpage. The ordinance is very comprehensive, easy to read, includes rules of procedures, responsibilities and a set of definitions. In order to improve the user-friendless of the ordinance it is recommended that hyperlinks be placed throughout the document for faster access to information. Another improvement that could be made is a graphic land use matrix that could be provided in order to determine what uses are permitted by right or require a special land use. There are a few references in the zoning ordinance for a special use permit, which refers to Article XXIII, the sign code. This should be revised to reference the appropriate section: Article XXIV, “Special Use Permits.” The ordinance should also be revised to ensure that there is a specific person that all site plans and special use permit applications get submitted to.

A city’s zoning ordinance is the regulatory tool used to enforce decisions based off guidance from the city’s master plan. When it comes to flexible tools used to encourage development and redevelopment, the city meets this criterion by clearly establishing special land use procedures that are clearly defined under Article XXIV of the zoning ordinance. The ordinance allows for a variety of new economy type uses such as medical offices, indoor recreation, catering and arts and crafts. Mixed-uses are permitted by right with in the B-2 Central Business district, which is identified by both the zoning map and land use map as an area of concentrated development. The city may wish to reconsider swapping out the word “apartment,” with “residential” to allow for a variety of types of residential use. The ordinance does allow for a variety of housing uses such as second floor residential, town houses, duplexes, and accessory dwelling units.

It is a best practice for RRC communities to implement one or more of the following elements in areas of concentrated development:
- Build-to lines
- Open store fronts
- Outdoor dining
- Minimum ground floor transparency
- Streetscape elements (trees, seating, pedestrian-scale lighting and signage)

It is recommended that one or more of the elements be included in the chosen areas of concentrated development for Whitehall. The zoning ordinance requires a front yard setback to be equal to the minimum distance established by existing buildings within 200 feet on the same side of the street and on the same block of the proposed building. There is an opportunity to revise this language to allow for build-to-lines and begin to form pedestrian-oriented development in a concentrated area within the city. Non-motorized standards should also be implemented to create more walkable pedestrian-friendly environments. To meet this criteria, language could be included on improving sidewalks with new construction, providing traffic calming standards, barrier-free standards or providing street lighting.

RRC communities also have the ability to address both historical and environmental preservation. Environmental preservation efforts are established under standards for site plan approval, in which the planning commission determines if the landscape has been preserved to the best of the developer’s ability. Whitehall will need to include some language regarding historic preservation. Standard language on preserving historic structures, materials or character can be provided. The master plan has identified three historic markers and one of the objectives indicates that “new residential development and redevelopment should respect historic building patterns, preserving and enhancing them where feasible.” Zoning ordinance language should include language to help enforce the idea of preserving the character of Whitehall.

As seen in many cities, parking has become either
Best Practice 2.1—Zoning regulations continued

overly burdensome or underutilized. For this reason, it is important for cities to apply flexible parking standards. Whitehall, under Article XII, “Off Street Parking Requirements,” provides a variety of parking flexibility. Commercial uses in the B-2 zoning district are not required to provide parking, two or more commercial buildings or uses may collectively provide the required off-street parking. It is recommended that additional standards of flexible parking be considered. An additional standard could be:

- Parking maximums;
- Payment in lieu of parking;
- Parking waivers.

Whitehall understands the benefits of green infrastructure, as the city encourages sustainable practices such as parking lot landscaping. For every parking lot with 10 or more parking spaces one tree shall be required per 10 parking spaces. In order to meet RRC Best Practice criteria the city should consider an additional green infrastructure standard. An additional standard could be:

- Rain gardens, bioswales and other low impact development
- Pervious pavement
- Green roofs
- Street tree planting standards
- Landscaping that requires the use of native, non-invasive species

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<th>Recommended actions for certification</th>
<th>Estimated timeline</th>
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</thead>
<tbody>
<tr>
<td>2.1.1</td>
<td>The governing body has adopted a zoning ordinance that aligns with the goals of the master plan.</td>
<td>☐ Review zoning ordinance to ensure alignment with master plan</td>
<td>6 months</td>
</tr>
<tr>
<td>2.1.2</td>
<td>The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.</td>
<td>☐ Include standards for historic preservation</td>
<td>6 months</td>
</tr>
<tr>
<td>2.1.3</td>
<td>The zoning ordinance includes flexible tools to encourage development and redevelopment.</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>2.1.4</td>
<td>The zoning ordinance allows for a variety of housing options.</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>2.1.5</td>
<td>The zoning ordinance includes standards to improve non-motorized transportation.</td>
<td>☐ Include standards to improve non-motorized transportation</td>
<td>6 months</td>
</tr>
<tr>
<td>2.1.6</td>
<td>The zoning ordinance includes flexible parking standards.</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>2.1.7</td>
<td>The zoning ordinance includes standards for green infrastructure.</td>
<td>☐ Include an additional green infrastructure standard</td>
<td>5 months</td>
</tr>
<tr>
<td>2.1.8</td>
<td>The zoning ordinance is user-friendly.</td>
<td>☐ Review ordinance to ensure references are accurate</td>
<td>5 months</td>
</tr>
</tbody>
</table>
Best Practice 3.1—Development review policy and procedures

Best Practice 3.1 evaluates the city’s development review policies and procedures, project tracking and internal/external communications. An efficient site plan review process is integral to being redevelopment ready and can assist a community in attracting investment dollars while ensuring its zoning ordinance and other laws are followed.

Whitehall’s site plan/special use review process can be found in Article XXV and Article XXIV of the zoning ordinance. Both articles determine two different intake professionals when an application is submitted and needs to go to the planning commission. A site plan application is submitted to the zoning administrator for processing and a special-use permit is submitted to the city clerk. If this is not what is intended, the ordinance should be amended to read that the zoning administrator is the intake professional for all documents that need to go before the planning commission. As stated under Best Practice 2, the zoning ordinance should be reviewed for clarity so understanding the process is more efficient and transparent. Both processes include a detailed list of application procedures.

RRC communities have the ability to provide pre-conceptual meetings open to the general public. Pre-conceptual meetings should be offered and advertised as much as possible. This will help to ensure all materials are being turned in on time and give the zoning administrator and the applicant an opportunity to discuss any hurdles. This may lead to recommending the applicant to discuss projects with neighboring property owners or avoiding being delayed at planning commission review due to a missing item. This could be an opportunity for an applicant to sit in on a joint site plan review meeting. It is recommended that a joint site plan review team be created. A joint plan team should include all the appropriate departments involved in the development review process. This process has the potential to further eliminate any potential barriers within the city for upcoming development projects.

In order to improve efficiency, transparency and predictability in the site plan review process it is recommended that a flow chart is developed that outlines the site plan and special use permit process. This a perfect opportunity to advertise pre-conceptual meetings. A feedback mechanism should also be created in order to improve on any internal process that may arise. Any feedback should be reviewed annually by the joint site plan review team. Documentation of the internal process is key, in order to have any staff member pick up on process if any staff turnover arises.

A key component to any site plan review process is knowing the status of a project. RRC communities have the ability to track any project at any stage of the development. Staff should develop a project tracker that details when an application has been submitted to when it has received its certificate of occupancy. Based on the information obtained during this evaluation, this report recommends the following to help the city reach RRC certification:

- Outline pre-conceptual meetings with staff and create a checklist of expectations to help ensure these meetings are as productive as possible for both city staff and the developer.
- Clearly identify who intakes site plan/special use applications
- Clearly document internal review process
- Develop an easy to follow flowchart of development processes that includes timelines;
- Create a feedback mechanism to gather input from applicants after they go through the process. This input should be reviewed by the site review team and planning commission to identify potential improvements to the process.
### Best Practice 3.1—Development review policy and procedures  
*continued*

<table>
<thead>
<tr>
<th>Status</th>
<th>Evaluation criteria</th>
<th>Recommended actions for certification</th>
<th>Estimated timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1.1</td>
<td>The zoning ordinance articulates a thorough site plan review process.</td>
<td>☐ Review zoning ordinance to ensure content is up-to-date</td>
<td>5 months</td>
</tr>
<tr>
<td>3.1.2</td>
<td>The community has a qualified intake professional.</td>
<td>☐ Clearly Identify who is responsible for intake of all applications</td>
<td>5 months</td>
</tr>
<tr>
<td>3.1.3</td>
<td>The community defines and offers pre-application site plan review meetings for applicants.</td>
<td>☐ Outline pre-development meetings with staff and create a checklist of expectations to help ensure these meetings are as productive as possible for both city staff and the developer</td>
<td>10 months</td>
</tr>
<tr>
<td>3.1.4</td>
<td>The appropriate departments engage in joint site plan reviews.</td>
<td>☐ Develop a joint site plan review team</td>
<td>6 months</td>
</tr>
<tr>
<td>3.1.5</td>
<td>The community has a clearly documented internal staff review policy.</td>
<td>☐ Document internal review process</td>
<td>6 months</td>
</tr>
<tr>
<td>3.1.6</td>
<td>The community promptly acts on development requests.</td>
<td>☐ Develop an easy to follow flowchart of development processes that includes timelines</td>
<td>10 months</td>
</tr>
<tr>
<td>3.1.7</td>
<td>The community has a method to track development projects.</td>
<td>☐ Develop a project tracker</td>
<td>6 months</td>
</tr>
<tr>
<td>3.1.8</td>
<td>The community annually reviews the successes and challenges with the site plan review and approval procedures.</td>
<td>☐ Create a feedback mechanism to gather input from applicants after they go through the process. This input should be reviewed by the site review team and planning commission to identify potential improvements to the process.</td>
<td>10 months</td>
</tr>
</tbody>
</table>
Best Practice findings

Best Practice 3.2—Guide to Development

Best Practice 3.2 evaluates the availability of the community’s development information. All of the pertinent planning and zoning information a developer or applicant needs, can be found on the planning/zoning division web page of the city website. The webpage links to important documents such as:

- Whitehall fees, charges and fines;
- Zoning ordinance;
- Zoning and site plan applications;
- Master plan;
- Parks and recreation plan.

Conveniently in the web page there is a link for the building department information, which includes everything from permit applications, fees, inspection information and contact information. The more documents are available online the better. This has the potential to increase efficiency and allow an investor or a local resident to go online and search for all the information they need. A recommendation would be to keep adding additional information to the planning/zoning webpage to have all information in one location. The downtown plan is currently found in the homepage for Whitehall, without scrolling down a person would miss it. The DDA plan should be available under the planning/zoning webpage.

Once a flow chart is created to meet Best Practice 3.1.7, it should be included on the webpage ensuring that navigating the development process will be efficient and everyone involved will understand roles and responsibilities, whether or not the applicant is new to the development review process. The fee schedule is reviewed annually during the budget process to ensure that costs are fair and affordable for their customer. They could consider accepting credit cards as a form of payment which provides customers with a convenient method to pay development fees.

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</tr>
</thead>
<tbody>
<tr>
<td>3.2.1</td>
<td>The community maintains an online guide to development that explains policies, procedures and steps to obtain approvals.</td>
<td>☐ Add flow chart, and downtown plan and any other document to the planning/zoning web page</td>
<td>8 months</td>
</tr>
<tr>
<td>3.2.2</td>
<td>The community annually reviews the fee schedule.</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
Best Practice 4.1—Recruitment and orientation

Best Practice 4.1 evaluates how a community conducts recruitment and orientation for newly appointed or elected officials. Such officials sit on the numerous boards, commissions, and committees that advise city leaders on key policy decisions. There is a webpage online that identifies the 12 boards and commissions. The information should be updated to include a more descriptive text on boards and commissions, as well as making an application to apply for boards and commissions online. If a potential board member does not have Internet access to gain information on a potential vacancy, a person should have the ability to visit city hall for more information.

When new members join a board or commission it is important to ensure they are up-to-speed on their responsibilities and relevant issues. Staff will need to show what information is provided for orientation packets to appointed or elected positions within the city. The comprehensive orientation packets should include applicable state and city laws, rules of procedure, and roles in relation to other boards and Open Meetings Act.

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<tr>
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<th>Estimated timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.1</td>
<td>The community sets expectations for board and commission positions.</td>
<td>☐ Create desired skill sets for development-related boards and commissions  ☐ Make board and commission application available online</td>
<td>5 months</td>
</tr>
<tr>
<td>4.1.2</td>
<td>The community provides orientation packets to all appointed and elected members of development-related boards and commissions.</td>
<td>☐ Create a comprehensive packet for incoming board members and commissioners</td>
<td>5 months</td>
</tr>
</tbody>
</table>
Best Practice 4.2—Education and training

Best Practice 4.2 assesses how a community encourages training and tracks educational activities for appointed and elected officials and staff. Trainings provide officials and staff with an opportunity to expand their knowledge and ultimately make more informed decisions about land use and redevelopment issues which increases predictability for the development process overall. An effective training program includes four components: financial resources to support training, a plan to identify priority topics and track attendance, consistent encouragement to attend trainings and sharing of information between boards and commissions to maximize the return on investment for the community.

Whitehall will need to demonstrate how the city budgets funds to support training for staff and elected officials. It is recommended that a method to track attendance of trainings through a spreadsheet or other system be developed. A training tracker, versus recording through minutes, will help identify who attended what training and could target beneficial trainings for staff and elected officials in one sheet. This process is very important in order to have a good record of trainings that will support staff, board and commissions with information that can greatly benefit the community. Information sharing is another key component to this process, so those who were not able to attend the training can have an idea of any valuable lessons learned that will benefit the community.

A valuable resource the city has is its website and social media. Whitehall is very active on social media and does a good job advertising any events, keeping the public informed on news and advertisement of city meetings. Whitehall also produces newsletters in January, April, July and October of every year. This is a good method to keep citizens involved and updated on any important upcoming projects and if there are training opportunities for staff. Whitehall can find many training opportunities through the Michigan Association of Planning, American Planning Association, MSU Extension, as well as visiting the MEDC community development website (www.miplace.org).

The RRC Best Practices recommend that the city establish, at a minimum, a joint annual meeting between the city council, TIFA and planning commission as the foundation of information sharing. This could also be a great opportunity for joint training. The planning commission annual report (as required by the Michigan Planning Enabling Act) should be shared with the RRC planner, in order to ensure all ideas and opportunities for improvement are being discussed and possibly implemented. Finally, to ensure information sharing occurs, time should be made on agendas for training attendees to share what they learned with those who were not at trainings.

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<tr>
<td>4.2.1</td>
<td>The community has a dedicated source of funding for training.</td>
<td>□ Demonstrate how funding is allocated toward trainings for staff boards, commissions or elected officials</td>
<td>5 months</td>
</tr>
<tr>
<td>4.2.2</td>
<td>The community identifies training needs and tracks attendance of the governing body, boards, commissions and staff.</td>
<td>□ Create a method of tracking trainings attended</td>
<td>6 months</td>
</tr>
<tr>
<td>4.2.3</td>
<td>The community encourages the governing body, boards, commissions and staff to attend trainings.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>4.2.4</td>
<td>The community shares information between the governing body, boards, commissions and staff.</td>
<td>□ Provide planner with annual planning commission report</td>
<td>6 months</td>
</tr>
</tbody>
</table>
Best Practice 5.1—Economic development strategy

Best Practice 5.1 evaluates goals and actions identified by the community to assist in strengthening its overall economic health. Strategic economic development planning is critical to attract jobs and new investment in communities; therefore, it is critical for Whitehall to adopt a comprehensive economic development strategy. An effective economic development strategy will articulate a clear vision and strategy, drive regional and local efforts to the area in attracting the types of jobs, residents and visitors Whitehall wants to see. A huge benefit to the community is the opportunity to partner with neighboring communities and incorporating regional economic development elements into a plan.

An economic development strategy can be incorporated into the master plan or a stand-alone document. Identifying local economic development partners is a good first step and a great resource Whitehall can use to formulate an economic development strategy and assist the strategy in tying into the regional efforts.

The economic development strategy should have goals, actions, timelines and responsible parties to implement economic development efforts. RRC is a perfect opportunity to identify economic challenges and opportunities, coordinate with all stakeholders, focus on implementation, and develop a process to review actionable items annually.

Goals should tie back to developed plans in the community and showcase what steps Whitehall will take to implement a pedestrian-friendly environment, support and attract small business, and increase economic opportunity for residents and businesses. Once complete, the plan should be reviewed at least annually. The city is encouraged to continue monthly updates in the city manager report as well.

RRC has developed an excellent resource library of examples of different communities and their economic development strategies that Whitehall could review to get an idea of how to get started.

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<tbody>
<tr>
<td>5.1.1</td>
<td>The community has approved an economic development strategy.</td>
<td>☐ Develop and adopt an economic development strategy</td>
<td>12 months</td>
</tr>
<tr>
<td>5.1.2</td>
<td>The community annually reviews the economic development strategy.</td>
<td>☐ Annually review the economic envelopment strategy</td>
<td>12 months</td>
</tr>
</tbody>
</table>
Best Practice 5.2—Marketing and promotion

Best Practice 5.2 evaluates how the community promotes and markets itself. Marketing and branding are essential tools in the promotion of a community’s assets and unique attributes. People are attracted to places that evoke positive feelings and to communities that take pride in their town and their history.

It is recommended that Whitehall activate stakeholders and work together to develop a comprehensive marketing strategy. The marketing strategy should identify opportunities community wide and outline steps to attract businesses, consumers and real estate development. Whitehall currently has a document, titled “Downtown Blueprint, 2006.” This document focuses on the downtown and RRC requires a more robust marketing strategy that markets the community as a whole. Items identified in the blueprint should definitely be incorporated into the marketing strategy.

Items from the economic development strategy should be identified in the marketing strategy, as well as marketing priority redevelopment sites. Key stakeholders for formulating a marketing strategy should include those identified in the public participation plan. Coordinating marketing efforts with other local, regional and state partners extends the marketing message to a wider audience, providing more opportunities for prospective businesses, consumers and real estate investors to learn about what the community has to offer. The marketing strategy should build upon the vision, values and goals outlined in locally adopted planning documents, including the master plan and economic development strategy. The RRC process is a perfect opportunity for Whitehall to challenge themselves on developing a marketing message to the outside community of why someone would want to live, work or explore in the community. Summarize what makes Whitehall unique, identify who target audiences are, and develop a brand for the community.

A city's website is often the first point of interaction between a city and its residents, businesses, potential developers and even tourists. As such, having an up-to-date and easy to navigate website is essential for any redevelopment ready community. Developers in particular will visit the website in an effort to learn more about the development process, fees, community activities and more. The city’s current website is simple to navigate and has a clean layout. As documents are completed, they should be made available online for the public or future investors to read.

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<tr>
<td>5.1.1</td>
<td>The community has developed a marketing strategy.</td>
<td>☐ Create a unified marketing strategy as outlined in Best Practice 5.2.1</td>
<td>8 months</td>
</tr>
<tr>
<td>5.1.2</td>
<td>The community has an updated, user-friendly municipal website.</td>
<td>☐ Add missing items to website as completed</td>
<td>12 months</td>
</tr>
</tbody>
</table>
Best Practice findings

Best Practice 6.1—Redevelopment Ready Sites®

Best Practice 6.1 assesses how a community identifies, visions for, and markets their priority redevelopment sites. Communities must think strategically about the redevelopment of properties and investments and should be targeted in areas that can catalyze further development around it. Instead of waiting for developers to propose projects, redevelopment ready communities identify priority sites and prepare information to assist developers in finding opportunities that match the city’s vision.

In order to meet this RRC Best Practice, the city will need to engage stakeholders across the community to identify redevelopment ready sites and prioritize at least three. As part of this process, the community should develop a vision for what they’d prefer to see on the sites—this vision should be tied to the master plan and the city should ensure the framework is in place to support that vision. From there, the city should gather basic information such as an address, owner, value, infrastructure and package that information into a short, marketable document. At least one site package should be developed further into a complete property information package which includes an expanded list of more technical items (as applicable) such as environmental conditions, traffic studies, etc. The sites should be actively marketed via the city and its economic development partners.

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<tbody>
<tr>
<td>6.1.1</td>
<td>The community identifies and prioritizes redevelopment sites.</td>
<td>□ Identify at least three priority sites</td>
<td>7 months</td>
</tr>
<tr>
<td>6.1.2</td>
<td>The community gathers basic information for prioritized redevelopment sites.</td>
<td>□ Gather basic information for prioritized sites as outlined in the RRC Best Practices</td>
<td>5 months</td>
</tr>
<tr>
<td>6.1.3</td>
<td>The community has development a vision for the priority redevelopment sites.</td>
<td>□ Develop a vision for each of the sites</td>
<td>7 months</td>
</tr>
<tr>
<td>6.1.4</td>
<td>The community identifies potential resources and incentives for prioritized redevelopment sites.</td>
<td>□ Identify financial or other incentives for each site</td>
<td>6 months</td>
</tr>
<tr>
<td>6.1.5</td>
<td>A property information package for the prioritized redevelopment site(s) is assembled.</td>
<td>□ Complete at least one property information package</td>
<td>8 months</td>
</tr>
<tr>
<td>6.1.6</td>
<td>Prioritized redevelopment sites are actively marketed.</td>
<td>□ Market the complete property information package online</td>
<td>12 months</td>
</tr>
</tbody>
</table>
The RRC program assists communities in maximizing their economic potential by embracing effective redevelopment tools and best practices. As mentioned at the beginning of this report, Whitehall is at a perfect place to take full advantage of RRC by using the best practices to ensure the processes and development-friendly atmosphere currently in place continues well into the future.

Next steps for Whitehall include reviewing this report of findings and determining whether these actions (and RRC certification in general) fit within the city’s vision for the future. If so, the governing body should pass a resolution of support to proceed with the RRC program and continue efforts to complete the missing criteria. During that time, RRC will be in regular contact with the city to follow its progress and offer support and assistance as needed. Once all criteria are met, the city will be certified as a Redevelopment Ready Community®!
WHEREAS, Arconic has submitted a site plan application to expand the wastewater treatment facilities at Plant #3.

WHEREAS, Ordinance 15-25-2 requires review and approval by the Planning Commission prior to the issuance of a building permit for the construction of any structure in any zoning district which does not meet one of the exemptions.

WHEREAS, the expansion exceeds 500 square feet in size which requires submittal to the Planning Commission for review and approval.

WHEREAS, the Planning Commission has reviewed the site plan to determine compliance and has found that all elements of the site plan will be harmonious and efficiently organized; will not impede the normal and orderly development of surrounding property; landscaping shall be preserved in its natural state insofar as practicable; special attention has been given to surface drainage; reasonable visual and sound privacy has been provided; access for emergency vehicles has been provided; access to public streets is available; pedestrian circulation system insulated as completely as possible from vehicular circulation has been provided; screening of loading and storage areas visible from residential districts or public thoroughfares is not applicable; and exterior lighting is deflected away from adjacent properties.

NOW, THEREFORE, BE IT RESOLVED

That the Whitehall Planning Commission hereby approves the site plan as submitted.

Moved by ____________, seconded by ____________, and thereafter adopted by the Whitehall Planning Commission at a regular meeting held June 4, 2019.

__________________________
Scott K. Huebler, Zoning Administrator
The Planning Commission has reviewed draft ordinances to allow for recreational and medical marijuana establishments in the City as directed by the City Council. City Attorney Sweeting has made the following changes as requested by Planning - growers and safety compliance centers will be allowed in all three industrial zoning districts but not within 500 feet of any school property line; there will be no limit on the number of licenses for marijuana facilities; safety compliance centers will be allowed to accept products that did not originated within the city; provisioning centers and retail establishments will be allowed in the central and general business districts by right and in the lakefront and restricted commercial districts by special use permit; and medical marijuana facilities will be allowed under similar regulations as recreational facilities.

Overlay districts will not be used. Each zoning district will have the appropriate marijuana sections added as part of a comprehensive review of the zoning ordinances.

Sweeting is comparing our draft ordinances with marijuana ordinances recently passed in Manistee. Any potential changes based upon this review will be presented next week.

RECOMMENDATION
Approve the ordinances as submitted and schedule a public hearing for July 2.
CITY OF WHITEHALL
MUSKEGON COUNTY
ORDINANCE NO. 19-_____

CITY OF WHITEHALL RECREATIONAL MARIHUANA LICENSING ORDINANCE

THE CITY COUNCIL OF THE CITY OF WHITEHALL HEREBY ORDAINS:

Section . 1 Title. This ordinance shall be known and cited as the City of Whitehall’s Marihuana Licensing Ordinance.

Section . 2 Purpose and Intent. The purpose of this ordinance is to regulate and license the contact of activity pursuant to the initiated Law 1 of 2018, as may be amended, in order to:

A. Protect the health, well-fare and safety of the general public.

B. Establish a set of rules and regulations that are fair and equitable for those interested in establishing a facility in compliance with the Act and this Ordinance.

C. Provide reasonable regulation pursuant to the City of Whitehall General Police Power granted to the City of Whitehall by the Michigan Constitution of 1963, ad sec.

The City of Whitehall does not intend that registration and regulation under this Ordinance be construed as finding such business and activities are legal under Federal Law. By requiring registration and compliance with the requirements as provided in this Ordinance, the City of Whitehall intends to protect, to every extent possible the public health, safety and well-fare of the residents of and visitors to the City of Whitehall from harm that may result from the activity from persons who unilaterally or on the advice from their attorney determine that they may legally operate a business involved in the cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana.

Nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for cultivation, possession, use, manufacture, distribution, transport, processing or dispensing of marihuana not in compliance with the Acts or this Ordinance. This Ordinance is enacted pursuant to statutory authority granted by State Law and Constitution authorizing the City of Whitehall to adopt licensing ordinances and regulations securing the public health, safety, and general well-fare.
Section 3. Definitions. For purposes of this Ordinance, terms and words defined by the Acts shall have the same meaning as provided within those Acts. Additionally, certain terms and words used herein shall have the following meanings:

A. Applicant: means the person who applies for licensing under this Ordinance and includes all officers, directors, managerial employees and all persons who hold direct or indirect interest in the applicant.

B. Grower: means a licensee that is a commercial entity located in the state that cultivates, dries, trims, cures, or packages marihuana for sale to a process center or provisioning center.

C. Licensee: means person holding a license from the City under this Ordinance and also holding a State Operating License.

D. Marihuana Facility: means a location at which a license holder is licensed to operate under this Ordinance and the Acts.

E. Marihuana Infused Product: means a topical formulation, tincture, beverage, edible substance or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

F. Marihuana: means marihuana grown, used, or transferred for recreational use as defined by the Acts.

G. Provisioning Center/Facility: means a licensee that is a commercial entity located in the City that purchases marihuana from a grower or processor and sells, supplies or provides marihuana to the public at large. Provisioning Center includes any commercial property where marihuana is sold at retail.

H. Marihuana Processor: means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and extracts resin from the marihuana or creates the marihuana infused product for sale in transfer and packaged form to a provisioning center.

I. Marihuana Safety Facility: means a licensee that receives marihuana from a marihuana facility and tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and returns the marihuana to the marihuana facility.
J. Secure Transporter: means a licensee that is a commercial entity that is located in the states that transports marihuana, with or without storage, between Marihuana Facilities for a fee.

K. State Operating License: means a license that is issued under the Acts that allows the Licensee to operate as a Marihuana Facility.

Section .4 Opt-In Provision. Pursuant to the Act, the City of Whitehall will hereby opt in to the Recreational Marihuana Facilities Act and hereby repeals Ordinance No. 18-07 in its entirety.

Section .5 Permit Required for Activity.

A. Any person or entity that wishes to operate as a Marihuana Facility in the City shall obtain a Permit and must obtain a State Operating License from Licensing and Regulatory Affairs prior to opening or operating.

B. The application and inspection fee for the Permit required by this section shall be as set from time to time by the City by resolution.

C. In addition to an annual reapplication and inspection fee, the City may assess an annual fee of no more than $5,000 to help defray the administrative and enforcement costs associated with the operation of the Facilities operating in the City.

D. No permit issued under this section shall be transferable.

E. All Permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the City by resolution.

F. The City may limit the number of Permits issued under this section, and may revise this limit from time to time.

G. A person or entity that receives a Permit under this section shall display its Permit and, when issued, its State Facility License in plain view clearly visible to City officials and the State Marihuana Licensing Board authorized agents.

H. No person or entity that opened or operated a facility doing business or purporting to do business prior to the adoption of this ordinance shall be considered a lawful use.
I. In addition to the forgoing, Marihuana Facility Applications shall contain the following information:

1. The exact location of the facility used for marihuana including the space within the building which shall be clearly identified on the license and application;

2. Issuance of a license does not waive any other licensing, permit or requirements or zoning restrictions by any other State or local law;

3. The license shall be valid for the calendar year it was issued, unless revoked for violations, in which it is considered to be null and void.

Section .6 Regulations for Marihuana Growers

A. A marihuana grower shall comply at all times with the Acts and Administrative Rules as they may be promulgated and amended from time to time by LARA.

B. A marihuana grower shall have at all times a valid license from the State Licensing Board created by the Act.

C. A marihuana grower may grow no more marihuana plants than allowed pursuant to its license from the State Marihuana Licensing Board for one of the following classes:

1. For microbusiness up to 150 plants
2. For class A marihuana grower up to 100 plants
3. For class B marihuana grower up to 500 plants
4. For class C marihuana grower up to 2000 plants

D. Growers may only transfer plants, seeds, other product to other facilities as set forth in the Act and are prohibited from any other transfers and enabling regulations issued by LARA and under no other circumstances.

E. All marihuana plants must be contained within the Grow Facility in an enclosed, restricted, locked facility that prevents access by other persons than those allowed and otherwise meet all state requirements.
F. Any artificial lighting must be shielded to prevent glare, must not be visible from adjacent properties, the street or public right of ways.

G. All activity shall be conducted so as not to create a permit trespass, spillage of glare, dust, sound, noise, vibrations, fumes, odors, or light, onto neighboring properties, adjacent streets or public right of ways.

H. All activities shall be conducted so as not be visible in any way from neighboring properties, adjacent streets or public right of ways.

I. Marihuana Growers, other than Microbusinesses, shall be limited to the industrial district of the City of Whitehall. The industrial zoned areas of the City of Whitehall are hereby declared to be exempt from the 1,000-foot minimum distance for K-12 schools to accommodate same. Said minimum distance shall be no less than 500 feet.

J. Microbusinesses shall be located in the Central and General Business Districts by right and in the Lakefront Commercial and Restricted Commercial Zones by Special Use Permit.

K. There shall be no limits on the number of licenses granted in each category.

Section 7 Regulations for Marihuana Provisioning Centers (Retail).
A Marihuana Provisioning Center shall comply at all times with the following:

A. A Marihuana Provisioning Center shall at all times comply with the Act and Administrative Rules issued by LARA as they may be amended from time to time.

B. Marihuana Provisioning Centers shall have at all times a license from the State Marihuana Licensing Board and be in compliance therewith.

C. A provisioning center may only transfer marihuana from a grower or processor, may only sell or transfer marihuana to individuals who qualify under the Act.

D. A provisioning center may transfer marihuana to or from a safety compliance facility for testing.

E. All transfers to and from separate marihuana facilities must be by means of a secured transporter as provided in the Act.
F. A provisioning center may only sell marihuana after it has been tested and bears a label required for retail sale.

G. No use of marihuana shall be allowed at the provisioning centers.

H. A Marihuana Retail or Provisioning Establishment shall be located in the Central Business District and General Business Districts in the City of Whitehall by right and in the Lakefront Commercial and Restricted Commercial Zones by Special Use Permit only. The minimum distances from K-12 schools is hereby shortened to 500-feet to allow the entire use of said districts for this purpose.

Section 8 Regulations for Marihuana Safety Compliance Facility. A Marihuana Safety Facility shall comply at all times with the following:

A. A Marihuana Safety Compliance Facility shall comply at all times with the Act and the Administrative Rules issued by LARA as they may be amended from time to time.

B. Marihuana Safety Compliance Facility shall have at all times a valid license from the State Marihuana Licensing Board created by the Act and be in compliance therewith.

C. A Marihuana Safety Compliance Facility shall receive marihuana from, test marihuana for, and return marihuana to, only a marihuana facility licensed under the Act.

D. A Marihuana Safety Compliance Facility must be accredited by the Licensing and Regulatory Affairs.

E. No Marihuana Safety Compliance Facility investor may have an interest in a grower, secure transporter, or provisioning center.

F. A Marihuana Safety Compliance Facility must have a secure space that can not be accessed by the general public.

G. A Marijuana Safety Compliance Facility shall only be located in the City of Whitehall's Industrial Zoned District but not closer than 500-feet to any K-12 Schools.
Section 9 License Application Procedure. Any license issued under this Ordinance is specific to the license person and location. Any change in the ownership in any manner or any change in the location requires a new license. Applicants shall make the application to the ______________________ and the applications shall include the following:

A. The address and legal description of the premises which is to be used as a marihuana facility.

B. Describe the facility including all the enclosed and locked areas within the facility as required by Michigan Law.

C. If a Provisioning Center, describe all locations in the premises where the sale or transfer to a customer shall take place.

D. If a Grower, specify the class under which the Grower seeks the license. Include a statement attesting and consenting that all activities will be conducted so as not to create and or permit trespass, nuisance or spillage of dust, glare, sounds, noise, vibrations, fumes, odors or light onto neighboring properties, adjacent streets or public right of ways.

E. Include a statement attesting and consenting that all official lighting will prevent glare and will not be visible from the adjacent properties, adjacent streets, or public right of ways.

F. The name and addresses of all owners where the marihuana facility is located, including a statement by each owner attesting to their knowledge, understanding, and authorization of the activity upon their property.

G. Name, address and other contact information of all applicants as defined above including attesting whether an applicant has been indicted for, charged with, arrested for, convicted of, pled guilty or nolle contendre to, forfeited bail for any criminal offense under the laws in any jurisdiction either of a felony or a controlled substance related misdemeanor not including traffic violations, regardless if the offense has been reversed on appeal or otherwise, including the date, location, of the Court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition and the location and length of any incarceration.

H. Payment of a nonrefundable license fee, which shall be determined by a resolution of the City of Whitehall Council.
I. All applications for permits required by this Ordinance shall file an
application signed by the applicant if an individual, or by all partners of a
partnership, by a managing member of a Limited Liability Company and all
members, or the by the President of a Corporation.

J. The applicant may be requested to provide any and other information
required by the Act and any other information deemed by the City to be required
for consideration of a permit.

K. Permit shall be approved if the applicant meets all City requirements unless
a due diligence investigation discloses evidence that the applicants possession
would pose a substantial threat to the public health, safety, or general welfare of
the City.

Section .10 Revocation of Permit.

A. A permit authorized from the above section may be revoked or not renewed
for any of the following reasons:

1. Any fraud or misrepresentations contained in the permit application.

2. Any known violation of this Ordinance or the Act or the rules and
regulations issued by LARA.

3. Any loss of the applicants State licenses.

4. Failure of the applicant to obtain a State license within a reasonable
time of obtaining a permit under this section. Operating the business in an
unlawful manner in such a way as to constitute a problem to the health,
safety, or general welfare of the public.

5. The violation of any issuance or continuation of a certificate
registration or permit.

6. Fraud, misrepresentation or any false statement made in the
operation of the business.

7. Failure to pay personal property taxes or timely documents or returns
for such tax purposes.

8. Failure to pay City taxes.
9. Failure to pay any outstanding amounts owed to the City such as for inspections, property services or water/ sewer bills, municipal or civil infractions, fines applicable to the business or its premises, special assessments, etc.

10. Failure to pay registration fees in pursuant to this chapter and resolution of the City.

11. Failure and inability of applicant to meet and satisfy any requirements and provisions of this chapter.

12. Failure to allow inspection of the business premises or has its material storage records within a reasonable time.

B. Procedure of Revocation

1. The zoning administrator will issue a notice to the licensee through certified mail, that the City intends to revoke the license.

2. The licensee may request a hearing before the City Council to show cause as to why the license should not be revoked within 14 days of delivery of the notice.

3. If a hearing is timely requested then the City Administrator shall inform the licensee and the City Council of the time and place of the hearing.

4. The licensee may present evidence and reasons arguing why the license should not be revoked.

5. The City Council shall either revoke the license or allow the license to continue.

6. Nothing in this Ordinance shall be deemed to prohibit the City from imposing other penalties authorized by its code or other Ordinances including filing above nuisance actions or other legal proceedings in a Court of competent jurisdiction.

C. Civil infraction

1. Any firm, person, corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for municipal civil
infractions as defined by Michigan Statutes which shall be punishable by a
civil fine for each violation according to the schedule set forth herein, along
with costs which may include all expenses, direct or indirect, the City incurs
connected with the municipal civil infraction. A violator of this Ordinance will
also be subject to such additional sanctions and judicial orders as are
authorized under Michigan Law. Each day that a violation continues to exist
shall constitute a separate violation of this Ordinance.

2. The City Zoning Administrator may issue appearance tickets,
citations for violations of this Ordinance. The provision of this Ordinance
may also be imposed by suit for injunctive relief.

3. Civil fines for municipal infractions:
   a) 1st violation within a three year period $500

   b) 2nd violation within a three year period $1000

   c) 3rd subsequent violation within a three year period $2000.

Section .11 Renewal of Licenses. The renewal of an existing license
shall be by the following procedures:

A. An application for renewal must be submitted no sooner than 90 days before
the expiration date and no later than 60 days before the expiration date of any
existing permit.

B. A licensee intending to operate in the same manner and agree to its current
licensing may submit a sworn certification that it will continue to operate in the
same manner and degree, has a current and valid state license, and no changes
have occurred as to change the original application.

C. If the licensee has not violated its existing license than the renewal
application shall be granted.

D. A Marihuana Grower intending to operate within the degrees approved
within its current licensing except that it desires to modify the class under which it
is licensed, may submit a sworn certification that it will continue to operate in the
same manner and degree of the current valid state license, and that no changes
have occurred as in the original application, and provide the class under which it
seeks its license and its licensee has not violated its existing license, then a
renewal application shall be granted.
E. A licensee that has violated its existing license in any way shall submit a completed new application pursuant to the same procedure for application in issuance of a new original license.

Section .12 Severability. Any section of this Ordinance is considered to be severable and if any clause, sentence, word, section, or provision is declared void by a clear and competent Court of jurisdiction, this shall not effect any portion of this Ordinance other than the said part or portion thereof.

Section .13 This Ordinance is to become effective 10 days after its adoption.

City of Whitehall

By: ____________________________  
Debi Hillebrand

By: ____________________________  
Brenda Bourdon, City Clerk

Adopted: _______________________  
Published: _______________________  
Effective: _______________________

CERTIFICATE

The foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Whitehall at a regular meeting held on ____________, 2019. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA267, 1976). Minutes of the meeting will be made available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Brenda Bourdon, City Clerk
CITY OF WHITEHALL
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 19-_______

THE CITY COUNCIL OF THE CITY OF WHITEHALL HEREBY ORDAINS:

1. Chapter ___, Article ___ of the Code of Ordinances of the City of Whitehall, Michigan, Sections ___-____ through ___-____ are adopted as follows:

Sec. ___-____ Purpose and Intent.

It is the intent of this ordinance to give effect to the intent of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 33.27101, et seq., (the MMFLA), and not to determine and establish an altered policy with regard to medical marihuana. It is the intent of this Ordinance to give effect to the intent of the Michigan Medical Marihuana Act, Initiated Act 1 of 2008, MCL 333.26421, et seq., (the MMMA) as approved by the electors. The purpose of this ordinance is to serve and protect the health, safety and welfare of the general public and establish a set of rules and regulations which are fair and equitable for those interested in establishing a Marihuana Facility pursuant to the MMFLA.

Sec. ___-____ Definitions.

Applicant means a person who applies for a license under this section. If an entity applies for a license, the term includes an officer, director, managerial employee or has a direct or indirect ownership interest in the applicant.

Grower means an MMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, cures or packages marihuana for sale to a Processor or Provisioning Center.

Marihuana Facility means a location at which a license holder is licensed to operate under the MMFLA.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

MMFLA means the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101, et seq.

MMMA means the Michigan Medical Marihuana Act, Initiated act 1 of 2008, MCL 333.26421, et seq.

MMMA Caregiver Facility means any building(s) or structure(s) located on non-residential property that is utilized by one or more than one primary caregiver engaged in the medical use of marihuana pursuant to the MMMA.
Permit means a permit issued by the City under this section.

Primary caregiver or caregiver means a person as defined by the MMMA.

Processor means an MMFLA 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 package form to a Provisioning Center.

Provisioning Center means an MMFLA licensee that is a commercial entity located in this state that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualify patients, directly or through the patients' registered primary caregivers. Provisioning Center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a Provisioning Center for purposes of the MMFLA or this section.

Qualifying patient or patient means a person defined by the MMMA.

Registry Identification Card means the document as defined by the MMMA.

Safety Compliance Facility means an MMFLA licensee that is a commercial entity that receives marihuana from a Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the Marihuana Facility.

Secure Transporter means an MMFLA licensee that is a commercial entity located in the state that transports marihuana, with or without storage, between Marihuana Facilities for a fee.

State operating license means a license that is issued under the MMFLA that allows the licensee to operate a Marihuana Facility.

All other terms used in this section have the same definitions ascribed to them in the MMFLA or MMMA.

Sec. ___-___ MMFLA Opt-In Provision

Pursuant to Section 205(1) of the MMFLA, the City will authorize Permits for the following types of Marihuana Facilities: Growers; Processors; provisioning Centers; Safety Compliance Facilities; and Secure Transporters.
Sec. ___ Permit Required for MMFLA Activity

A. Any person or entity that wishes to operate as a Marihuana Facility in the City shall obtain a Permit and must obtain a State Operating License prior to opening or operating.

B. The application and inspection fee for the Permit required by this section shall be as set from time to time for the City by resolution.

C. In addition to an annual reapplication and inspection fee, the City may assess an annual fee of no more than $5,000 to help defray the administrative and enforcement costs associated with the operation of the Marihuana Facilities operating in the City.

D. No permit issued under this section shall be transferable.

E. All Permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the City by resolution.

F. The City may limit the number of Permits issued under this section and may revise this limit from time to time.

G. A person or entity that receives a Permit under this section shall display its Permit and, when issued, its State Medical Marihuana Facility License in plain view clearly visible to City officials and State Medical Marihuana Licensing Board authorized agents.

H. No person or entity that opened or operated a facility doing business or purporting to do business as a Marihuana Facility prior to the adoption of this ordinance shall be considered a lawful use.

Sec. ___ MMFLA Location Requirements

A. Growers, Processors and Safety Compliance Facilities, as permitted only in the industrial zones of the City of Whitehall.

B. Provisioning Centers are to be located in the City of Whitehall Central and General Business Districts by right and in the Lakefront Commercial and Restricted Commercial Districts by Special Use Permit.

C. The Marihuana Facility shall meet all applicable written and duly promulgated standards of the City and, prior to opening, Applicants shall demonstrate to the City that the location meets the rules and regulations promulgated by the State Medical Marihuana Facilities Licensing Board.
Sec. ____ Permit Revocation and Review

A. A Permit granted under this section may be revoked or not renewed for any of the following reasons:

1. Any fraud or misrepresentations contained in the Permit application;

2. Any knowing violation of this ordinance;

3. Loss of the Applicant's State Medical Marihuana Facility License;

4. Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a Permit under this section; or

5. Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public;

6. The violation of any of the conditions of issuance or continuation of a certificate of registration;

7. Fraud, misrepresentation or any false statement made in the operation of the business;

8. Failure to pay personal property taxes, or timely file documentation or returns required for such taxes;

9. Failure to pay city income taxes, failure to withhold city income tax from employees, failure to remit to the City withheld city income taxes, or timely file documentation or returns required for such taxes.

10. Failure to pay any outstanding amounts owed the City (such as fees for inspections or property services, water or sewer bills, municipal civil infraction fines applicable to the business or its premises, current special assessment, installments, etc.).

11. Failure to pay registration fees imposed pursuant to this chapter and resolution of the city commission.

12. Failure or inability of an applicant to meet and satisfy any of the requirements and provisions of this chapter.

13. Failure to allow inspection of the business premises or hazardous material storage records at a reasonable time.
B. This Ordinance is to become effective ten (10) days after adoption.

City of Whitehall

By: ____________________________
    Debi Hillebrand

By: ____________________________
    Brenda Bourdon, City Clerk

CERTIFICATE

The foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Whitehall at a regular meeting held on _____________, 2019. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA267, 1976). Minutes of the meeting will be made available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

__________________________________________
    Brenda Bourdon, City Clerk