BILL 2019-30

*****Second Reading*****

Agenda Item

TO: Mayor and City Council

FROM: Timothy Wymes, Community Development Director

DATE: July 15, 2019

RE: Updating the Zoning Ordinance to allow Medical Marijuana Facilities

Issues

City Staff along with the Planning and Zoning Commission conducted a public hearing to discuss the need to update the Zoning Ordinance due to the recent changes to Missouri State Laws regarding the use of medical marijuana. City staff along with the Planning and Zoning Commission have discussed in depth the state law changes to prepare a comparable Zoning Ordinance that will allow medical marijuana facilities to locate within the city limits. With the new regulations, many municipalities are challenged with creating new codes to be conducive to potential business operations. These adaptations are imperative for the City of Cameron due to the recent state law changes. The current Zoning proposal will be beneficial in regulating the location, distance, and hours of operation to help promote public safety.

Recommendation

Staff along with the Planning and Zoning Commission recommends approval of the updated Zoning Ordinance.

*****Bill amended after first reading on 7/1/19: Buffer distance changed from 300' to 750'; and, hours of operation changed to 8 am – 10 pm, seven days per week.***

Bill 2019-30

AN ORDINANCE FOR THE CITY OF CAMERON, MISSOURI AMENDING THE CITY OF CAMERON ZONING ORDINANCE RELATING TO MEDICAL MARIJUANA

WHEREAS, in November 2018, the voters of the State of Missouri approved an amendment to Article XVI of the State Constitution establishing a Right to Access Medical Marijuana and allowing for the limited legal production, distribution, sale, and purchase of marijuana for medical use; and

WHEREAS, the City desires to amend the Zoning Ordinance to clarify regulations regarding medical marijuana in accordance with the purposes of the State Constitution; and

WHEREAS, the City desires to protect the public health and safety by establishing reasonable regulations on Medical Marijuana and related businesses regarding noise, air quality, neighborhood safety, security, and other health and safety concerns; and

WHEREAS, after due notice prescribed by law, the Planning & Zoning Commission held a public hearing related to amendments to the Zoning Ordinance involving medical marijuana and that these Zoning amendments come to Cameron City Council with a recommendation from the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMERON, MISSOURI, AS FOLLOWS:

Section 1. The following words and terms and their definitions are hereby added to Article 4 of the City of Cameron Zoning Ordinance:

"**Marijuana" or "Marihuana**" means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a decigram (dg) weight basis, or commodities or products manufactured from industrial hemp.

"**Medical Marijuana Cultivation Facility**" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

"**Medical Marijuana Dispensary Facility**" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport,

SECOND READING

and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

"Marijuana-Infused Products" means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

"**Medical Marijuana-Infused Products Manufacturing Facility**" means a facility licensed by the Missouri Department of Health and Senior Services to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

"**Medical Marijuana Testing Facility**" means a facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

"Transportation Facility" means a facility licensed as such by the Missouri Department of Health and Senior Services in connection with the transportation and storage of medical marijuana.

Section 2. Section 2, Permitted Uses, of Article 17, "C-1" Central Commercial District of the City of Cameron Zoning Ordinance is hereby amended to include the following permitted uses:

W. Medical Marijuana Dispensary Facility

Section 3. Section 2, Permitted Uses, of Article 16A, Agricultural District, of the City of Cameron Zoning Ordinance is hereby amended to include the following permitted uses:

M. Medical Marijuana Cultivation Facility

Section 4. Section 2, Permitted Uses, of Article 19, "M-1" Light Manufacturing District, of the City of Cameron Zoning Ordinance is hereby amended to include the following permitted uses:

M. Medical Marijuana Cultivation Facility
N. Medical Marijuana Infused Products Manufacturing Facility
O. Medical Marijuana Testing Facility
P. Transportation Facility

SECOND READING

Section 5. Section 2, Permitted Uses, of Article 20, "CM-P" Commercial & Manufacturing Planned District, of the City of Cameron Zoning Ordinance is hereby amended to read as follows:

2.Permitted Uses:

A. Any use permitted in "C-1", "C-2".
B. Medical Marijuana Cultivation Facility
C. Medical Marijuana Infused Products Manufacturing Facility
D. Medical Marijuana Testing Facility
E. Transportation Facility

Section 6. Section 11, Medical Marijuana, of Article 21, Supplementary District Regulations, of the City of Cameron Zoning Ordinance is hereby added as follows:

11. Medical Marijuana: No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be constructed, altered, or used without complying with the following regulations:

A. No new Medical Marijuana Cultivation Facility, Medical Marijuana testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within seven hundred fifty feet of any then-existing elementary or secondary school, day-care, or church. For purposes of this Section:
   1. A "daycare" means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.
   2. A "elementary or secondary school" means any public school as defined in section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
   3. A "church" means a permanent building primarily and regularly used as a place of religious worship.
   4. "Then existing" means any school, day-care, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.

B. Outdoor Operations or Storage Prohibited. Unless licensed as an outdoor Medical Marijuana Cultivation Facility, all marijuana facilities' operations and all storage of materials, products, or equipment shall be within a fully enclosed building.

SECOND READING

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana facility.

D. Hours of Operation. All marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m., ~~provided that, sales and distribution of Medical Marijuana or any other products sold to the public through a Medical Marijuana Dispensary may occur until Midnight on Friday and Saturday evenings.~~

E. Residential Dwelling Units Prohibited. No medical marijuana business shall be located in a building that contains a residence.

F. A Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be entirely within an enclosed building.

G. Ventilation Required. All marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

Section 7. The Mayor is authorized to sign this Ordinance approving it on behalf of the City of Cameron, Missouri.

Section 8. The City Clerk is directed to attest to the Mayor's signature.

Section 9. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved on first reading this 1st day of July, 2019.
Passed and approved on second reading this 15th day of July 2019.
Passed and approved on third & final reading this _____ day of July 2019.

SECOND READING

_____
Mayor Darlene Breckenridge

ATTEST:

_____
City Clerk