

BILL NO: _____

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI AMENDING SECTIONS OF APPENDIX A – ZONING OF THE CODE OF ORDINANCES ALLOWING MEDICAL MARIJUANA FACILITIES

WHEREAS, the City of Kirksville acknowledges voters passed an Amendment to Article XIV of the Missouri Constitution, known as Constitutional Amendment 2, enabling licensed citizens the right to the use, cultivation, manufacturing, dispensing, testing, transportation, administration and storage of Medical Marijuana and Medical Marijuana-Infused Products; and

WHEREAS, the voters of the State of Missouri passed Constitutional Amendment 2 with 65.589% approval; and

WHEREAS, the voters of the County of Adair, Missouri passed Constitutional Amendment 2 with 59.893% approval; and

WHEREAS, the Kirksville Planning and Zoning Commission was adopted for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare of the City; and

WHEREAS, the City of Kirksville desires to protect the public health and safety by establishing reasonable regulations on Medical Marijuana related businesses regarding noise, air quality, neighborhood safety, security, other health and safety concerns, and time, place and manner restrictions on Medical Marijuana facility operations; and

WHEREAS, the City of Kirksville desires to permit land uses that allow efficient and responsible citizen access to Medical Marijuana; and

WHEREAS, the City of Kirksville is proactive in the development of the local economy where new businesses and industry may locate and operate; and

WHEREAS, the City of Kirksville sets out to protect citizens from adverse land uses through implementing zoning code and may enable minimum or maximum distances between potentially conflicting land uses; and

WHEREAS, the notice of proposed additions and revisions to the City Code was placed in a daily newspaper of general circulation 15 days in advance of a Public Hearing before the Kirksville Planning and Zoning Commission; and

WHEREAS, no one spoke in favor or opposition of the proposed code revisions at the Planning and Zoning Commission meeting held on March 13th, 2019; and

WHEREAS, after consideration of the proposed code revisions, the Planning and Zoning Commission voted to recommend City Council approval of the proposed code revisions by a vote of 6-0 at the March, 13th, 2019 commission meeting.

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

Section 1. That the current “Appendix A – Zoning” of the Kirksville City Code of Ordinances is hereby be amended as follows and shown with additional text in bold letters and deleted text in strikethrough:

ARTICLE 1. – IN GENERAL
Sec. 25-1. – Definitions.

~~Day, nursery care. A day nursery shall have ten (10) children or less and shall be considered as a home occupation. Such a nursery shall be conducted in a building used for dwelling purposes.~~ **A Missouri Department of Health and Senior Services licensed, regulated, or childcare subsidized facility where care is provided for children by a child care provider for any part of the twenty-four (24)-hour day.**

***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 seed thereof and resin extracted from the plan and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.**

***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 Cultivation Facility.* Means a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical 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 State of Missouri to acquire, store, sell, transport, 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 Projects Manufacturing Facility.**

***Medical Marijuana-Infused Products Manufacturing Facility.* Mean a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell**

marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.

***Medical Marijuana Testing Facility.* Mean a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.**

ARTICLE XV. – DISTRICT C-1, LOCAL BUSINESS DISTRICT
Sec. 25-84. – Uses Permitted

In district C-1, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one (1) or more of the following uses:

Medical Marijuana Dispensary Facility, entirely within enclosed building, see Article XXV, Sec. 25-142 for additional conditions;

ARTICLE XV. – DISTRICT C-3, EXTENSIVE BUSINESS DISTRICT
Sec. 25-88. – Uses Permitted

In district C-3, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, re-constructed or altered except for one (1) or more of the following uses:

- (i) Tourist and trailer camps-;
- (j) Medical Marijuana Cultivation Facility, entirely within enclosed building, see Article XXV, Sec. 25-142 for additional conditions;**
- (k) Medical Marijuana Cultivation Facility, inside or outside a building, see Article XXV, Sec. 25-142 for additional conditions;**
- (l) Medical Marijuana-Infused Products Manufacturing Facility, with a majority of dollar volume of business done with walk-in trade, see Article XXV, Sec. 25-142 for additional conditions;**
- (m) Medical Marijuana-Infused Products Manufacturing Facility, with a majority of dollar volume of business not done with walk-in trade, see Article XXV, Sec. 25-142 for additional conditions;**
- (n) Medical Marijuana Testing Facility, entirely within enclosed building with or without dispensary, with a majority of dollar volume of business done with walk-in trade, see Article XXV, Sec. 25-142 for additional conditions;**
- (o) Medical Marijuana Testing Facility, entirely within enclosed building with or without dispensary, with a majority of dollar volume of business not**

done with walk-in trade, see Article XXV, Sec. 25-142 for additional conditions.

ARTICLE XXV. – MEDICAL MARIJUANA FACILITIES

Sec. 25-142. – Medical Marijuana Facilities

- (a) Compliance with State Law.** Uses shall remain in compliance with Section 1 of Article XVI of the Missouri Constitution.
- (b) Proximity of Facilities.** Medical Marijuana facilities are prohibited within set distances listed below from any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship, except when the aforementioned uses establish themselves within the prohibited distance, existing Medical Marijuana facilities may remain. The prohibited distance shall be measured in a straight line from the outer walls of the Medical Marijuana facility or the edge of the outdoor cultivation site to the outer walls of any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship.

The set distances Medical Marijuana Facilities need to remain away from any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship shall be as follows:

- 1. Medical Marijuana Dispensary Facility: 0 Feet
 - 2. Medical Marijuana Cultivation Facility: 300 Feet
 - 3. Medical Marijuana-Infused Products Manufacturing Facility: 300 Feet
 - 4. Medical Marijuana Testing Facility: 300 Feet
 - 5. Any combination of the above listed facilities: 300 Feet
- (c) Signage.** In addition to the sign regulations located in the City of Kirksville's sign code, the following shall apply to signage for Medical Marijuana facilities:
 - 1. Facilities shall not use signage or advertising with the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols.
 - 2. Facilities shall not advertise in a manner that is inconsistent with the medicinal use of medical marijuana or use advertisements that promote medical marijuana for recreational or any use other than for medicinal purposes.

Section 2. All of the modifications to this ordinance shall be effective from and after its date of passage.

Section 3. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri as an addition or deletion thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI AND SIGNED BY THE MAYOR THIS 18th DAY OF MARCH, 2019.

Charles Long, Mayor

ATTEST:

Lindsay Leckbee, City Clerk