

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14 OF THE INDEPENDENCE CITY CODE
PERTAINING TO MEDICAL MARIJUANA FACILITIES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, a public hearing, having been held by the Planning Commission on May 14, 2019, and by the City Council on June 3, 2019, it is the desire of the City Council to adopt this amendment to the Unified Development Ordinance; and,

WHEREAS, this proposed amendment aligns with Missouri Department of Health and Senior Services guidelines;

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

SECTION 1. That Section 14-201-01 of Article 14, Unified Development Ordinance, be and is hereby amended to add definitions for “Medical Marijuana Cultivation Facility”, “Medical Marijuana Dispensary Facility”, “Medical Marijuana Facility”, “Medical Marijuana Infused Products Manufacturing Facility” and “Medical Marijuana Testing Facility”, as follows:

“MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

MEDICAL MARIJUANA DISPENSARY FACILITY

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 to a Qualifying Patient, a Primary caregiver, another licensed Medical Marijuana Dispensary Facility, a licensed Medical Marijuana Testing Facility, or a licensed Medical Marijuana Infused Products Manufacturing Facility.

MEDICAL MARIJUANA FACILITY

A Medical Marijuana Dispensary, Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, and Medical Marijuana Infused Products Manufacturing Facility licensed by the State of Missouri.

MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY

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 Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.”

SECTION 2. That Section 14-301 of Chapter 14, Unified Development Ordinance, is hereby amending Table 301-1 to read as follows:

Table 301-1
 Office and Commercial Districts Use Table

USE GROUP	ZONING DISTRICT					Use Standards
	O-1	O-2	C-1	C-2	C-3	
Use Category ↳specific use type						
P: Permitted S : Special Use Permit Required C: Conditional uses - Not Allowed						
COMMERCIAL						
<u>Medical Marijuana Facility</u>						
↳ <u>Medical marijuana cultivation facility</u>	-	-	-	-	<u>S</u>	<u>14-421</u>
↳ <u>Medical marijuana dispensary facility</u>	-	-	-	-	<u>S</u>	<u>14-421</u>
↳ <u>Medical marijuana infused products manufacturing facility</u>	-	-	-	-	<u>S</u>	<u>14-421</u>
↳ <u>Medical marijuana testing facility</u>	-	-	-	<u>C</u>	<u>C</u>	<u>14-421</u>

SECTION 3. That Section 14-302 of Chapter 14, Unified Development Ordinance, is hereby amending Table 302-1 to read as follows:

Table 302-1
 Industrial Districts Use Table

USE GROUP	ZONING DISTRICT			Use Standards
	BP	I-1	I-2	
Use Category ↳specific use type				
P: Permitted S : Special Use Permit Required C: Conditional Use - Not Allowed				
COMMERCIAL				
<u>Medical Marijuana Facility</u>				
↳ <u>Medical marijuana cultivation facility</u>	-	<u>S</u>	-	<u>14-421</u>
↳ <u>Medical marijuana dispensary facility</u>	-	-	-	<u>14-421</u>
↳ <u>Medical marijuana infused products manufacturing facility</u>	-	<u>S</u>	-	<u>14-421</u>
↳ <u>Medical marijuana testing facility</u>	<u>C</u>	<u>C</u>	-	<u>14-421</u>

SECTION 4. That Section 14-421 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

“14-421 MEDICAL MARIJUANA FACILITY

14-421-01 APPLICABILITY

The standards of this article apply to Medical Marijuana Facilities.

14-421-02 BUFFER REQUIREMENT

- a. No Medical Marijuana business shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day care center, or religious assembly. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
- b. A Medical Marijuana Dispensary Facility may not be within 2,500 feet of another Medical Marijuana Dispensary Facility. The distance measured from property line to property line.
- c. A Medical Marijuana Dispensary Facility may not be within 500 feet from any residential district or residential dwelling. The distance measured from property line to property line.
- d. A Medical Marijuana Dispensary Facility may not be within 1,200 feet of the Truman Library. The distance measured from property line to property line.
- e. A Medical Marijuana Dispensary Facility may not be located within the historic district.

14-421-03 OUTDOOR OPERATIONS OR STORAGE PROHIBITED

All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

14-421-04 ONSITE USAGE PROHIBITED

No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana facility.

14-421-05 HOURS OF OPERATION

All Medical Marijuana Dispensaries 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.

14-421-06 DISPLAY OF LICENSES REQUIRED

The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises at all times in accordance with State of Missouri requirements.

14-421-07 RESIDENTIAL DWELLING UNITS PROHIBITED

No Medical Marijuana Dispensary shall be located in a building that contains a residence.

14-421-08 VENTILATION REQUIRED

All medical 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.

14-421-09 BUSINESS LICENSE

A medical marijuana facility shall be required to have a City business license as required in Chapter 5 of the City Code.

14-421-10 CONFORMANCE WITH STATE OF MISSOURI RULES

All medical marijuana facilities shall be operated in accordance with the rules from the State of Missouri Department of Health and Senior Services.

SECTION 5. Any City of Independence Business License application for Medical Marijuana Dispensary Facility, Medical Marijuana Cultivation Facility, or Medical Marijuana Infused Products Manufacturing Facility received by the City prior to the adoption, by the City Council for Bill No. 19-708, Resolution No. 6407, shall be processed.

SECTION 6. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS _____ DAY OF _____, 2019, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.