

BILL NO. 07-01-2023

ORDINANCE NO. 5805

AN ORDINANCE AMENDING SECTION 27-246 OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI, REGARDING MARIJUANA RELATED USES

WHEREAS, the City Council of the City of Warrensburg adopted Ordinance 5775 on February 13, 2023 repealing and replacing Ordinance 5524 providing for dispensaries and other marijuana related uses and facilities to be located in Warrensburg; and

WHEREAS, the Planning and Zoning Commission of the City of Warrensburg held a public meeting on the herein ordinance and recommended approval of the ordinance to the City Council; and

WHEREAS, public notice of the hearing before City Council of the City of Warrensburg was published in the Warrensburg Star Journal on June 23, 2023,

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

Section 1. That Section 27-246. Marijuana related uses, is repealed and replaced as follows:

Sec. 27-246. Marijuana related uses.

Marijuana related uses and facilities as defined in section 27-6 shall meet the following standards in addition to all other zoning requirements in order to operate within the City of Warrensburg:

(a) Location restrictions.

- (1) No marijuana related uses shall be operated or maintained within one thousand (1,000) feet of any school, child day-care center, church, or public library.
- (2) No marijuana related uses shall be operated or maintained on any portion of a lot where any portion of the lot is within one hundred (100) feet of a public park.
- (3) No marijuana related uses shall be operated or maintained within five hundred (500) feet of any establishment licensed under Chapter 2 of the Code of Ordinances.
- (4) No marijuana related uses shall be operated or maintained within five hundred (500) feet of another marijuana related use except when marijuana sales represents less than 5% of the dollar volume of business in a state or federally licensed pharmacy.
- (5) The distance limitations in subsections (1-4) above shall apply to marijuana dispensaries, marijuana cultivation facilities, marijuana-infused products manufacturing facilities, microbusiness wholesale facility, and marijuana testing facilities and all measurements described below shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot. The distance limitations in subsections (1, 3, 4) above shall be measured as follows:

- a. In the case of a freestanding facility, the distance between the facility and the school, child day-care center, church, public library, adult use establishment, or other marijuana facility shall be measured from the external wall of the facility structure closest in proximity to the school, child day-care center, church, public library, adult use establishment, or other marijuana facility to the closest point of the property line of the school, child day-care center, church, public library, adult use establishment, or other marijuana facility. If the school, child day-care center, church, public library, adult use establishment, or other marijuana facility 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, child day-care center, church, public library, adult use establishment, or other marijuana facility closest in proximity to the facility.
- b. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, child day-care center, church, public library, adult use establishment, or other marijuana facility shall be measured from the property line of the school, child day-care center, church, public library, adult use establishment, or other marijuana facility to the facility's entrance or exit closest in proximity to the school, child day-care center, church, public library, adult use establishment, or other marijuana facility. If the school, child day-care center, church, public library, adult use establishment, or other marijuana facility 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, child day-care center, church, public library, adult use establishment, or other marijuana facility closest in proximity to the facility.

(6) The distance limitations in subsections (1-4) above shall apply to marijuana transportation facilities and all measurements described below shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot. The distance limitations in subsections (1, 3, 4) above shall be measured as follows:

- a. In the case of a freestanding marijuana transportation facility, the distance between the marijuana transportation facility and the school, child day-care center, church, public library, adult use establishment, or other marijuana facility shall be measured from the property line of the marijuana transportation facility to the closest point of the property line of the school, child day-care center, church, public library, adult use establishment, or other marijuana facility.
- b. In the case of a marijuana transportation facility that is part of a larger structure, such as an office building or strip mall, the distance between the marijuana transportation facility and the school, child day-care center, church, public library, adult use establishment, liquor by the drink establishment, or other marijuana facility shall be measured from the property line of the school, child day-care center, church, public library, adult use establishment, or other marijuana facility to the marijuana transportation facility's entrance or exit closest

in proximity to the school, child day-care center, church, public library, adult use establishment, or other marijuana facility.

- (b) *Nuisance.* No marijuana related use or facility as defined in Section 27-6 shall emit an odor or in any way cause a public nuisance per Chapter 13 of this Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.

Section 2. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. It is intended that Section 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 4. That this ordinance shall become effective immediately upon its passage.

Read two (2) times and passed by title this 10 day of July, 2023.

ATTEST:


Jodi, L. Schneider, City Clerk


Jim Kushner, Mayor

