

COUNCIL BILL NO. 23-09


ORDINANCE NO. 23-15

An Ordinance to amend sections of Chapter 25 of the Carthage Code for zoning of newly formed Marijuana-related facilities.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI** as follows:

**SECTION I:** Chapter 25 of the Carthage Code is hereby amended by adding definitions and zoning for the newly formed recreational marijuana facilities and by adding the appropriate definitions. The Amendment is attached as exhibit A and attached hereto and incorporated herein as if set out in full.

**PASSED AND APPROVED THIS** 28th **DAY OF** February, 2023.

  
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Dan Rife, Mayor

**ATTEST:**

  
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Miranda Deal, City Clerk

**Sponsored by: Public Works Committee**

## Chapter 25 ZONING<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 25-1. Definitions.

For the purpose of this chapter, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "building" includes the word "structure." The word "shall" or the word "must" is mandatory and not directory; the word "lot" includes the word "plot." The term "used for" includes the meaning "designed for" or "intended for."

*Accessory building or use* means a subordinate building, or a portion of the main building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property.

*Alley* means a public way which affords only a secondary means of access to abutting property.

*Apartment* means a room or a suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

*Apartment hotel* means an apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

*Apartment house* means a building arranged, intended, or designed for more than two (2) families.

*Basement* means a story below the first story as hereafter defined.

*Billboard* means a sign supported by uprights or braces in or upon the ground surface.

*Block* means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

*Board* means the board of adjustment.

Cross reference(s)—Board of adjustment, § 17-36 et seq.

*Boardinghouse or lodginghouse* means a building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

**"Church" means a permanent building primarily and regularly used as a place of religious worship.**

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<sup>1</sup>Cross reference(s)—Buildings and building regulations, Ch. 6, planning and development, Ch. 7; sight distance triangles on corner lots, § 17-1; subdivisions, Ch. 22.

State law reference(s)—Zoning, RSMo 89.010 et seq.

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**Commission** means the planning, zoning and historic preservation commission.

**Cross reference(s)**—Planning, zoning and historic preservation commission, § 17-16 et seq.

**Community center** means a place, structure, area, or other facility for social, educational and recreational activities of a neighborhood, community, or subdivision, provided any such use is not operated for commercial gain.

**"Comprehensive facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.**

**"Comprehensive marijuana cultivation facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.**

**"Comprehensive marijuana dispensary facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in section 1 of this Article, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of this Article and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in this Article and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.**

**"Comprehensive marijuana-infused products manufacturing facility" means a facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.**

- a. **Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process**
- b. **Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in General Business, Light Industrial, or Industrial districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).**

**Condominium** means a building, group of buildings or property in which units are owned individually and the common elements are owned by all the owners or a proportional, undivided basis.

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*Curb level* means the main level of the curb in front of the lot, or in case of a corner lot, along the abutting street where the main curb level is the highest.

*Day care center* means a private home or other facility where care is given to more than ten (10) children by persons not residing in the home.

*Day care home* means a private home where care is given to ten (10) children or less, unrelated to the day care provider, in a family like group, by the person residing in the home, as a home occupation.

*Day care school* means a private home or other facility where care and schooling is given to any number of children by persons not residing in the home or facility.

*Dwelling* means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels.

*Dwelling, one-family* means a detached building arranged, intended, or designed for occupancy by one (1) family.

*Dwelling, multiple* means a building or portion thereof, arranged, intended, or designed for occupancy by three (3) or more families including apartment houses, row houses, tenements and apartment hotels.

*Dwelling, two-family* means a building arranged, intended, or designed for occupancy by two (2) families.

*Family* means one (1) of the following:

- (1) An individual, married couple or domestic partnership and the children thereof and no more than two (2) other persons related directly to the individual, married couple or domestic partners by blood or marriage; or
- (2) A group of up to four (4) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit, cost-sharing basis; or
- (3) Any home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or any mentally or physically handicapped persons residing in the home; or
- (4) Any private residence licensed by the division of family services or department of mental health to provide foster care to one or more, but less than seven (7), children who are unrelated to either foster parent by blood, marriage or adoption.

*Filling station, automotive* means a use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. The use of the business for any storage or parking of a vehicle or any other activity that is commonly associated with truck stops is prohibited and reserved for service station, truck stops only.

Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi-trailers shall be classified as "service station, truck stop."

**"Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.**

*Garage, community* means a building or portion thereof, other than a public, private, or storage garage providing for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of block.

*Garage, private* means an accessory building for storage only of motor vehicles.

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*Garage, public* means a building or portion thereof, designed or used for storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

*Garage, storage* means a building or portion thereof, except those defined as a private, a public or a community garage providing storage for motor vehicles, with facilities for washing but no other services.

*Garden apartment building* means an apartment building located on a lot either singly or together with other similar apartment buildings, having at least two (2) sides or ends of each dwelling unit exposed to outside light and air.

*Ground sign* means a sign supported by uprights or braces in or upon the ground surface.

*Height of buildings* means the vertical distance measured from the highest of the following three (3) levels:

- (1) From the street curb level;
- (2) From the established or main street grade in case the curb has not been constructed;
- (3) From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one (1) inch to the foot, and to the main height level of the top of the main plate and highest ridge for other roofs.

*Height of yard or court* means the vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

*Hotel* means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve (12) sleeping rooms, and no provision for cooking in individual rooms.

*"Infused preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.*

*Job site construction trailer* means a transportable factory built structure which is no more than ten (10) feet in width and no more than forty (40) feet in length, and which has it's own running gear, is designed to be used without a permanent foundation, and temporarily located on a construction site for the exclusive purpose of providing necessary space for one (1) or more licensed contractors engaged in construction activities of said site.

*Kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, or any operation in which more than five (5) dogs or more than five (5) cats over the age of four (4) months are harbored at any residential unit.

*Lot* means a parcel of land occupied or to be occupied by one (1) building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon a public street or place.

*Lot, corner* means a lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building inspector.

*Lot depth* means the main horizontal distance from the front street line to the rear line.

*Lot, interior* means a lot whose side lines do not abut upon any street.

*Lot lines* means the lines bounding a lot as defined herein.

*Lot, through* means an interior lot having frontages on two (2) streets.

*Lot width* means the main horizontal distance between side lines measured at right angles to the depth.

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**Manufactured home** means a factory built structure or structures which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, contains three hundred twenty (320) or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner.

**"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 marijuana plant and marijuana-infused products. **"Marijuana" or "marihuana" do not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.**

**"Marijuana accessories"** means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

**"Marijuana facility"** means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the department pursuant to this section, but shall not include a medical facility licensed under section I of this Article.

**"Marijuana-infused products"** means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

**"Marijuana microbusiness facility"** means a facility licensed by the department as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this section.

**"Marijuana testing facility"** means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

**Medical Marijuana:** Marijuana allowed for the limited legal production, distribution, 209 sale and purchase for medical use as governed by Article XIV of the Missouri State 210 Constitution.

**Medical marijuana cultivation facility:** means a facility licensed by the State of Missouri to acquire, cultivate, process, package, store onsite or off site, transport to and from, and sell marijuana, marijuana seeds and marijuana vegetative cuttings (clones), to a medical marijuana dispensary facility, medical marijuana testing facility, medical marijuana cultivation facility, or a medical marijuana infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products

**Medical marijuana dispensary facility:** means a facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed 230 property or to any address as directed by the patient or primary caregiver, so long as 231 the address is a location allowing for the legal possession of marijuana, another medical licensed dispensary facility, a licensed testing facility, a medical marijuana cultivation facility, or a medical marijuana infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary

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facility's authority to process marijuana shall include the production and sale of prerolls. but shall not include the manufacture of marijuana-infused products

**Medical marijuana facility:** Any medical marijuana cultivation facility, medical 243 marijuana dispensary facility, or medical marijuana-infused products manufacturing 244 facility, as governed by Article XIV, Section 1, of the Missouri State Constitution

*Medical marijuana infused products manufacturing facility* means a facility licensed by the State of Missouri to acquire, process, package, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a ~~medical~~ marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana infused products manufacturing facility.

- a. Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process
- b. Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in General Business, Light Industrial, or Industrial districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

**"Microbusiness dispensary facility"** means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as that term is defined in section 1 of this Article, or primary caregiver, as that term is defined in section I of this Article, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this Article and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

**"Microbusiness wholesale facility"** means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

~~Medical marijuana testing facility~~ means a facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

*Mobile home* means a transportable, factory built home, designed to be used as a yearround residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 16, 1976.

*Modular unit* means a transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational, or industrial purposes. This definition shall not apply to structures under six hundred fifty (650) square feet used temporarily and exclusively for construction site purposes.

*Motel or motor hotel* means a tract of land upon which two (2) or more tourist sleeping units and the required parking areas are located.

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*Nonconforming use, building or yard* means a use, building or yard existing legally at the time of the passage of this chapter which does not, by reason of design, uses, or dimensions, conform to the regulations of the district in which it is situated.

*Place* means an open, occupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

*"Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.*

*Qualifying patient* means a Missouri resident diagnosed with at least one qualifying medical condition.

*Rear line* means the boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

*Restaurant* means a building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

*Retirement home* means a facility designed to meet the needs of, and exclusively for, the residence of senior citizens and which may include convalescent care facilities.

*School* means any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.

*Service station, truck stop* means a use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi-trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi-trailers.

*Shelter* means a building or other structure where lodging, or lodging and meals, are provided, at no cost or at a charge that is less than the full cost of providing same, whether or not additional services are provided at that location. Such additional services may include, but are not limited to, counseling and drug or alcohol rehabilitation.

*Side line* means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

*Sign* means any words, numerals, figures, devices, designs, or trademarks by which information is made known such as are used to identify or call attention to a building, structure or object, or designate or mention an individual, profession, firm, business or commodity.

*Stable, private* means an accessory building for the keeping of horses or mules owned by occupants of the premises, and not kept for remuneration, hire or sale.

*Stable, public* means a stable other than a private or riding stable as defined herein.

*Stable, riding* means a structure in which horses or mules used exclusively for pleasure riding or driving are housed, boarded, or kept for hire; including riding track.

*Story* means that part of a building included between the surface of one (1) floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, established or main street grade, or average ground level, as mentioned in "height of buildings," of this section.

*Street* means a public thoroughfare which affords principal means of access to property abutting thereon.



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*Street line* means the dividing line between the street and the abutting property.

*Structural alterations* means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

*Townhouse* means a dwelling unit located in a group of three (3) or more attached to townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one (1) interior common wall and a private exterior entrance.

*Trailer courts or mobile home parks* means a tract of land improved with adequate utilities and roadways, properly subdivided into lots, and intended or used for the parking of one (1) or more house trailers or mobile homes.

*Yard* means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. Where lots abut a street that is designated a thoroughfare or major street on the major street plan of the comprehensive plan, all yards abutting said major street shall be measured from a line one-half the proposed right-of-way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line twenty-five (25) feet from the center line, or from the lot line, whichever provides the greater setback.

*Yard, front* means a yard across the full width of the lot extending from the front line of the main building to the front street line of the lot.

*Yard, rear* means a yard between the rear lot lines and the rear line of the main building and the side lot lines.

*Yard, side* means a yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.

(Code 1978, § 400.010; Ord. No. 6739, § 1, 7-25-95; Ord. No. 6772, § 1, 9-26-95; Ord. No. 97-5, § 1, 2-11-97; Ord. No. 99-71, § 1, 9-16-99; Ord. No. 10-29, § 1, 7-27-10; Ord. No. 14-54, § 1, 11-12-2014; Ord. No. 19-33, § 1, 7-23-2019)

## ***DIVISION 8. DISTRICT E, GENERAL BUSINESS DISTRICT<sup>2</sup>***

### **Sec. 25-601. Scope.**

Except as specifically stated otherwise, this division applies to district E.

(Ord. No. 99-71, § VI, 9-16-99)

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<sup>2</sup>Note(s)—See the editor's note following Div. 2 above.

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## **Sec. 25-602. Permitted uses.**

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

- (1) Any use permitted in district A, B, C, or D.
- (2) Any retail business or use not included in districts F and G, provided that such use is not noxious or offensive by reason of vibrations, noise, odor, dust, smoke or gas.
- (3) Armories.
- (4) Beer gardens, bowling alleys, dance halls, shooting galleries; restaurants, cafes and cafeterias that provide for dancing or entertainment; taverns, nightclubs and similar commercial recreation buildings or activities providing however, that the same shall not be less than two hundred (200) feet from any existing clinic, hospital, school or church; and shall not be less than two hundred (200) feet from a district A to C inclusive, unless approved by the board under such restrictions as seem appropriate after consideration of noise and other detrimental factors incident to such use.
- (5) Billiard halls.
- (6) Bus stations.
- (7) Farm machinery, sales rooms and service department.
- (8) Hospitals for small animals such as dogs and cats.
- (9) Garages, repair (public).
- (10) Gymnasiums (commercial).
- (11) Marijuana and Medical Marijuana Dispensary Facility.
- (12) Newspaper publishing plants.
- (13) Radio and television broadcasting stations except towers.
- (14) Recreational vehicle parks or camping areas.
- (15) Restaurants, cafes, cafeterias, that provide for the sale or consumption of intoxicating beverages.
- (16) Storage or warehouse for materials such as clothing, drugs, dry goods, building materials, hardware, paint and paint supplies, plumbing supplies and fixtures, furniture, groceries, glass, household goods, liquor or wines, when incidental to retail sales on the premises.
- (17) Swimming pools (commercial).
- (18) Wholesale sales offices and sample rooms.
- (19) Accessory uses customarily incident to any of the above uses.
- (20) Tattoo establishment: Any building, structure or facility which contains or is used for the purpose of placing a permanent mark or design on the human skin by process of pricking and staining with an indelible pigment.

(Ord. No. 99-71, § VI, 9-16-99; Ord. No. 07-53, §§ I, II, 11-27-07; Ord. No. 18-12, § III, 3-27-2018; Ord. No. 19-33, § II, 7-23-2019)

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## Sec. 25-604. Standard for Marijuana and medical marijuana facilities.

No building shall be constructed, altered or used for a medical marijuana dispensary without complying with the following regulations this subchapter.

- (1) All marijuana and medical marijuana facilities under this chapter must be in compliance with all state regulations as set for by the department of health and senior services, failure to so, is a violation of City Code.
- (2) No marijuana or medical marijuana dispensary shall be located within one thousand (1,000) feet of any ~~then-existing~~ elementary or secondary school, daycare, or church.
  - a. 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.
  - 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to 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. 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, childcare, or church.
  - c. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
  - d. For purposes of this subsection, a "daycare" means a child-care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
  - e. For purposes of this subsection, a "church" means a permanent building primarily and regularly used as a place or religious worship.
  - f. For purposes of this subsection, an "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 12th grade, but does not include any private school in which education is primarily conducted in private homes.
- 3) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.
- 4) The marijuana or medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- 5) No marijuana or medical marijuana facilities shall be located in a building that contains a residence.
- 6) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
  - a. The functional classification of the street on which the site is located; and

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- b. The surrounding residential districts and uses; and
  - c. The location, nature and height of buildings, structures, walls and fences on site; and
  - d. The amount of parking needed for the proposed use and the amount of parking provided on site; and
  - e. The nature and extent of landscaping and screening on the site; and
  - f. The number of trips anticipated each day to the site.
- 7) No marijuana may be smoked, ingested, or otherwise consumer on the premises of a marijuana or medical marijuana establishment facility.
  - 8) 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.
  - 9) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
  - 10) 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 five percent (5%) of the dollar volume of business in a state or federally licensed pharmacy.
  - 11) No marijuana related uses shall be operated or maintained within two hundred fifty (250) feet of any establishment licensed under the City Code to sell liquor by the drink.
  - ~~12) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana dispensary building.~~
  - 13) Medical marijuana dispensaries shall not be open to the public or make any sales between the hours of 10:00 p.m. and 7:00 a.m.
  - 14) Any medical marijuana dispensary shall require any customer to display the customers permit card from the department of health and senior services or other proof of eligibility at the time of each purchase.
  - 15) No person under the age of eighteen years old shall be allowed into a medical marijuana dispensary; except that a qualifying patient who is under the age of eighteen (18) years but who has been emancipated by a court order and a qualifying patient, under the age of eighteen (18) years when accompanied by the qualifying patient's parent or guardian.
  - 16) No person shall dispose of marijuana or marijuana-infused products in an unsecured waste receptacle not in possession and control of the licensee and designed to prohibit unauthorized access.
  - 17) No marijuana related use or facility shall emit an odor or in any way cause a public nuisance per chapter 15 of the City 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.
  - 18) The medical marijuana dispensary license issued by the state of Missouri shall be prominently displayed in a highly visible location, easily seen by patients on the dispensary's sales floor.
  - 19) (12) No marijuana dispensary shall become non-compliant with the Regulations set forth by the Missouri department of Health and Senior Services.

(Ord. No. 19-33, § III, 7-23-2019)

**Secs. 25-605—25-650. Reserved.**

- CODE  
Chapter 25 - ZONING  
ARTICLE IV. - DISTRICT REGULATIONS  
DIVISION 10. DISTRICT F, LIGHT INDUSTRIAL DISTRICT

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***DIVISION 10. DISTRICT F, LIGHT INDUSTRIAL DISTRICT<sup>3</sup>***

**Sec. 25-701. Scope.**

Except as specifically stated otherwise, this division applies to district F.

(Ord. No. 99-71, § VI, 9-16-99)

**Sec. 25-702. Permitted use.**

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

- (1) Any use permitted in district A, B, C, D, or E.
- (2) Bakeries.
- (3) Blacksmith shops, welding shops, and metal working shops.
- (4) Bottling works.
- (5) Bus barns.
- (6) Canning or preserving factories.
- (7) Carpenter, cabinet, or pattern shops.
- (8) Chemical analytical laboratories.
- (9) Cleaning, pressing and dyeing plants.
- (10) Cold storage plants.
- (11) Creameries.
- (12) Reserved.
- (13) Flour mills, feed mills and grain processing.
- (14) Freight terminals (truck).
- (15) Galvanizing works.
- (16) Grain elevators.
- (17) Ice plants.
- (18) Laundries.
- (19) Lumberyards: Lumber storage when incidental to retail sales on the premises, provided that the following restrictions shall apply:

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<sup>3</sup>Note(s)—See the editor's note following Div. 2 above.

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- a. A screening privacy fence shall be constructed so as to screen from view lumber storage areas that lie next to or adjacent to street rights-of-way, and lumber storage areas that lie on either side of the store front if they can be seen from the adjacent street or streets.
  - b. A "screening privacy fence" is the same as a "privacy fence" as defined by section 6-291 of the Carthage Code, with the exception that the fence shall be opaque, and constructed of materials such as wood, vinyl or chain link with laths. No fence shall be constructed of galvanized corrugated metal.
- (20) Machine shops.
  - (21) Manufacture of products such as artificial flowers, feathers, plumes, awnings, bags, blacking, small boats, bone products, brooms and brushes, buttons and novelties, candy, canvas products, cement products, chemicals (nonoffensive), cigars, cleaning or polishing preparations, clothing, coffee (roasting), cosmetics, cotton seed, peanut or similar products, drugs or medicines, electrical signs, extracts, food products, fruit juices, gas or electric fixtures, ice cream, leather products, light metal products, musical instruments, paper products, sausage, steel products, shoes and boots, syrup, terra cotta or tile handcraft products, textiles, toys, wooden ware.
  - (22) ~~Medical marijuana cultivation facility.~~ Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an existing elementary or secondary school, daycare or church and as prescribed and subject to all other requirements in section 25-704, marijuana and medical marijuana facilities
  - (23) ~~Medical marijuana infused products manufacturing facility.~~ Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an existing elementary or secondary school, or within 1000 feet of an existing daycare or church and as prescribed and subject to all other requirements in section 25-704, marijuana and medical marijuana facilities.
  - (24) ~~Medical marijuana testing facility.~~ Medical or comprehensive marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to, across the street from and more than 1000 feet from any residential district. No facility shall be located within 1,000 feet of an existing elementary or secondary school, daycare or church and as prescribed and subject to all other requirements in section 25-704 marijuana and medical marijuana facilities.
  - (25) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an existing elementary or secondary school, or within 200 feet of an existing daycare or church and as prescribed and subject to all other requirements in section 25-704, marijuana and medical marijuana facilities.
  - (26) Marijuana testing facility. No facility shall be located within 1,000 feet of an existing elementary or secondary school, daycare or church and as prescribed and subject to all other requirements in section 25-704, marijuana and medical marijuana facilities.
  - (27) Metal stamping, shearing, punching works, etc.
  - (28) Milk bottling or distribution plants.
  - (29) Monument works.
  - (30) Moving, transfer or storage plants.
  - (31) Photo engraving plants.
  - (32) Planing mills.

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- (33) Plumbing mills.
  - (34) Printing plants.
  - (35) Produce markets (wholesale).
  - (36) Sales rooms and yards for contractor equipment.
  - (37) Sign painting plants.
  - (38) Stone cutting plants.
  - (39) Storage in bulk of, or warehouse for materials enumerated in item (12) of section 25-602, and such materials as: Asphalt, brick, building material, cement, contractors equipment, cotton, feed, fertilizer, gasoline, subject to inflammable code of the city; grain, gravel, grease, hay, ice, lead, lime, machinery, metal, soil, plaster, poultry, roofing rope, sand, stone, tar, tarred or creosoted products, tetra cotta, timber, wood, wool.
  - (40) Tracks (term loading or storage).
  - (41) Veterinary hospitals.
  - (42) Accessory uses customarily incident to any of the above uses.

(Ord. No. 99-71, § VI, 9-16-99; Ord. No. 19-33, § IV, 7-23-2019)

#### **Sec. 25-704. Standard for medical marijuana facilities.**

- (a) All marijuana and medical marijuana facility as outlined in sections 25-702 (22)-(23) (24) (25) and (26) shall meet the requirements outlined in Sec. 25-604
- (b) All marijuana and medical marijuana facilities under this chapter must be in compliance with all state regulations as set for by the department of health and senior services, failure to so, is a violation of City Code.

(Ord. No. 19-33, § V, 7-23-2019)