

ORDINANCE NO. 4011

AN ORDINANCE OF THE CITY OF CLINTON, MISSOURI AMENDING CHAPTER 20 OF THE CLINTON MUNICIPAL CODE TO PROVIDE FOR THE PLACEMENT OF MEDICAL MARIJUANA DISPENSARY AND MEDICAL MARIJUANA CULTIVATION FACILITY IN SPECIFIC ZONING DISTRICTS WITHIN THE CITY LIMITS.

WHEREAS, Article XIV of the Missouri Constitution, authorizes the cultivation and distribution of medical marijuana; and

WHEREAS, the Amendment permits cities, incorporated towns or counties to enact reasonable zoning regulations applicable to Medical Marijuana Dispensaries and Cultivation Facilities.

WHEREAS, it has been deemed appropriate to amend Chapter 20 of the Municipal Code of the City of Clinton, Missouri, to provide for the definition of Medical Marijuana Dispensary, Medical Marijuana-Infused Manufacturing Facility, and Medical Marijuana Cultivation Facility, and to place those uses in the various Zoning Districts as specified below;

WHEREAS, the Clinton Planning Commission conducted a public hearing on July 1, 2019, in consideration of this ordinance; and

WHEREAS, at its July 1, 2019, meeting, the Clinton Planning Commission voted to recommend approval of the proposed amendments to the Clinton Municipal Code, by a vote of 7 Yeas, 0 Nays and 2 Absent.

NOW, THEREFORE, THE CLINTON CITY COUNCIL AMENDS CHAPTER 20, ARTICLE V AS FOLLOWS:

1. Section 20-149 Medical Marijuana

(a) *Definitions.* For purposes of this Section, the following definitions shall apply, in addition to those found at Section 20-107 of this Chapter:

Medical marijuana. All the parts of the plant of the genus cannabis whether growing or not, and the seed of such plants that can be administered to treat or alleviate a condition(s) of a medical marijuana qualifying patient.

Medical Marijuana Dispensary. An entity that has been licensed by the Missouri Department of Health and Senior Services to acquire, sell, store, transport, or deliver marijuana or marijuana-infused products, and operated in compliance with all applicable State rules. This term also includes cultivating dispensaries.

Medical Marijuana Cultivation Facility. An entity which has been licensed by the Missouri Department of Health and Senior Services and operated in compliance with all applicable state rules that cultivates, prepares, manufactures, processes, packages, sells and delivers

usable marijuana to a dispensary or a medical marijuana-infused products manufacturing facility.

Medical Marijuana-Infused Manufacturing or Processing Facility: An entity which has been licensed by the Missouri Department of Health and Senior Services to operate a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible products.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana, and any and all associated business and/or operational activities, including the production of clones, immature plants, seeds and other agricultural products.

Dispensing. Providing, selling, making available or otherwise distributing marijuana or marijuana products from any facility or location, whether fixed or mobile.

Distribution. The procurement, sale, and transport of marijuana and marijuana products.

Manufacture. To compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Processing. Any method used to prepare marijuana and/or marijuana products for commercial retail and/or wholesale sales, including but not limited to: cleaning, curing, preparation, laboratory testing, manufacturing, packaging and extraction of active ingredients to create marijuana related products and concentrates.

Sell, sale, and to sell. Include any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

Medical marijuana qualifying patient is a person who is authorized by the State of Missouri to obtain and use medical marijuana products, or a primary caregiver of such person, as that term is defined in Article XVI of the Missouri Constitution.

Medical marijuana transportation facility means a facility certified by the State of Missouri to transport marijuana or marijuana products to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

- (b) *Purpose and intent.* The purpose of these regulations is to provide a uniform and comprehensive set of standards for the location and development of facilities intended for the production and distribution of marijuana/cannabis as provided in the Missouri Constitution and regulated by the Missouri Department of Health and Senior

Services. The intent of these regulations is to protect the public health, safety and community welfare while allowing the development of centers for the regulated and controlled production and distribution of cannabis for medical purposes, while ensuring that the provisions of state and city law are met.

(c) *Permitted uses.*

1. Medical marijuana/cannabis cultivation centers and medical marijuana infused manufacturing facilities shall be permitted uses in I-1 Restricted Light Industrial, I-2 Light Industrial, and I-3 Heavy Industrial Districts, but only when such operations take place entirely within an enclosed structure.
2. Medical marijuana/cannabis dispensaries shall be permitted uses in C-3 General Commercial Districts and C-4 Open Display Commercial Districts.
3. Medical marijuana transportation facilities shall be permitted uses in I-1 Restricted Light Industrial, I-2 Light Industrial, and I-3 Heavy Industrial Districts and as conditional uses in C-2/H Central Business/Historic, C-3 General Commercial Districts, and C-4 Open Display Commercial Districts.

(d) *Conformance with regulations.* All marijuana related uses shall conform to and meet all regulations established by the State of Missouri and the City of Clinton.

(e) *Signage.* Signage must meet the requirements for the zoning district in which the medical marijuana/cannabis cultivation center, medical marijuana-infused manufacturing facility, or medical marijuana dispensary is located.

(f) *Location.* No cultivation center or medical marijuana-infused manufacturing facilities shall be located within 1000 feet of any school, church, or other building regularly used as a place of worship.

No medical marijuana dispensary shall be located within 1,000 feet of any school, church, or other building regularly used as a place of worship.

The establishment of a school, church or place of worship shall not affect the renewal of any existing license or the application for a new license upon change of ownership or otherwise for the previously licensed premises.

(g) *Setback from other cultivation centers and dispensaries.* No cultivation center may be located within 1,000 feet of another cultivation center or a dispensary.

(h) *Perimeter setbacks of structures on a site.* Unless otherwise limited under this chapter, the perimeter setback for a cultivation center shall be the same as that of the zoning district in which it is located.

- (i) *Minimum yard requirements.* Unless otherwise limited under this chapter, cultivation centers must meet the requirements for the zoning district in which it is located.
- (j) *Parking.* Parking shall be provided in accordance with Chapter 20, Article V, Division 5 of this Code.
- (k) There shall be no drive-through service, take-out window, or drive-in service at any marijuana related business.
- (l) All marijuana cultivation, manufacture, processing or dispensing operations shall be conducted within a completely enclosed building.
- (m) *Age and access limitations.* It shall be unlawful for any cultivation center to allow any person who is not at least 18 years of age on the premises. Cultivation centers shall not employ anyone under the age of 21 years. Access shall be limited exclusively to cultivation center staff and local and state officials and those specifically authorized under Missouri law.
- (n) *Distance measurement rules.* The distances to be measured in this section shall be determined as follows:

1. For all marijuana uses except medical marijuana transportation facilities, distance shall be measured as follows:

In the case of a freestanding facility, the distance between the facility and the buffered location shall be measured from the external wall of the facility structure closest in proximity to the buffered location to the closest point of the property line of the buffered location. If the buffered location 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 buffered location that is 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 buffered location shall be measured from the property line of the buffered location to the facility's entrance or exit closest in proximity to the buffered location. If the buffered location 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 buffered location that is closest in proximity to the facility.

Measurements shall be made along the shortest path between the measurement points that can be lawfully travelled by foot along public routes.

2. For medical marijuana transportation facilities, distance shall be measured as follows:

In the case of a freestanding facility, the distance between the facility and the buffered location shall be measured from the property line of the facility to the closest point of the property line of the buffered location.

In the case of a facility that is a part of a larger structure, such as an office building or strip mall, the distance between the facility and the buffered location shall be measured from the property line of the buffered location and the facility's entrance or exit that is in closest proximity to the buffered location.

Measurements shall be made along the shortest path between the measurement points that can be lawfully travelled by foot along public routes.

2. Nothing in this chapter hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter.
3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Clinton hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, clauses and phrases be declared unlawful.
4. This Ordinance shall take effect and be in full force from and after its passage and approval.

Read the first time this 16th day of July, 2019.

Read a second time and passed this 6th day of August, 2019.

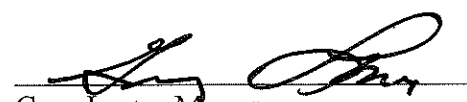
ATTEST:


Wendee Seaton, City Clerk


Greg Lowe, President

Ayes – 6
Nays – 1
Absent/Abstentions – 1




Greg Lowe, Mayor