

There came on for consideration at a duly constituted meeting of the City Council and Mayor of the City of Gulfport held on the 3rd day of May, 2022, the following Ordinance:

ORDINANCE NO. 3130

AN ORDINANCE AMENDING THE OFFICIAL TEXT OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI ADOPTED THE 29TH DAY OF JUNE, 1979, SECTION I DEFINITIONS (B) WORDS AND PHRASES AND SECTION III DISTRICT REGULATIONS, (K) CHART OF PERMITTED USES, (2) SCHEDULE OF USES, MANUFACTURING, RETAIL AND WHOLESALE TRADE, SERVICES CATEGORIES.

WHEREAS, the Mayor and City Council of the City of Gulfport, Mississippi, find and do so determine, based upon the recommendation of the Gulfport City Planning Commission, that the Comprehensive Zoning Ordinance should be amended to add various definitions to the same and to allow additions and/or changes to certain uses in the Chart of Permitted Uses as they relate to particular zoning districts. The case file number is 2205PC085.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1: That the Official text of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, as amended, be and the same is hereby amended to read as follows under Section I Definitions, (B) Words and Phrases, which adds the following definitions in the appropriate alphabetical location:

Sec. I. – Definitions.

(B) Words and phrases: Words and phrases used in this ordinance are defined as follows:

Cannabis cultivation facilities: means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area. See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Cannabis disposal entity: means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis. See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Cannabis processing facility: means a business entity that is licensed and registered by the Mississippi Department of Health that:

- (a) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
- (b) Possesses cannabis with the intent to manufacture a cannabis product;
- (c) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
- (d) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Cannabis research facility: means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use. See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Cannabis testing facility: means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis. See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Cannabis transportation entity: means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis. See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Medical cannabis dispensary: means an entity licensed and registered with the Mississippi Department of Revenue that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders. See definition of “medical cannabis establishment” for distance requirements and applicable zones.

Medical cannabis establishment: means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, medical cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church or child care facility and by applying for a waiver with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility. No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet (1,500) radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary. The symbol plus-minus (“±”) used in the chart of permitted uses indicates the removal of all transect zones (T1, T2, T3, T4L, T+, T5, T6) from any use constituting a medical cannabis establishment.

SECTION 2: That the official text of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, be and the same is hereby amended to make the following additions and/or changes to certain uses in the Chart of Permitted Uses as they relate to particular zoning districts.

In Appendix A – Zoning – Section III District Regulations, (K) Chart of Permitted Uses,

(2) Schedule of uses, MANUFACTURING – Cannabis Disposal Facility; and Cannabis

Processing Facility should be amended as follows:

* Need not be conducted entirely within a completely enclosed structure.																						
R = Allowed by Right P = Planning Commission approval X = Special exception – = Not allowed ± = T zones removed (see definitions)																						
Names of Uses and Conditions	A-1, T1, T2	R-E	R-UE	R-1-15	R-1-10	R-1-7.5, T3	R-1-5	R-2	R-3	R-4	R-O, T4L	R-B, T4+	B-1, T5	B-2, T6	B-4	E-G	I-1	I-2	I-3	SB	WF	AE
MANUFACTURING																						
Cannabis Disposal Entity; Cannabis Processing Facility (See definitions for distance requirements)	R ±	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	R	R	–	–	–
Cannabis Disposal Entity; Cannabis Processing Facility (Within 500 feet of a Residential Use as shown in this chart. This will be measured property line to property line. See definitions for distance requirements)	P ±	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	–

In Appendix A – Zoning – Section III District Regulations, (K) Chart of Permitted Uses,

(2) Schedule of uses, COMMUNICATION, TRANSPORTATION, AND UTILITIES –

Cannabis Transportation Facility should be amended as follows:

* Need not be conducted entirely within a completely enclosed structure.																						
R = Allowed by Right P = Planning Commission approval X = Special exception – = Not allowed ± = T zones removed (see definitions)																						
Names of Uses and Conditions	A-1, T1, T2	R-E	R-UE	R-1-15	R-1-10	R-1-7.5, T3	R-1-5	R-2	R-3	R-4	R-O, T4L	R-B, T4+	B-1, T5	B-2, T6	B-4	E-G	I-1	I-2	I-3	SB	WF	AE
COMMUNICATION, TRANSPORTATION, AND UTILITIES																						
Cannabis Transportation Entity (See definitions for distance requirements)	P ±	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	R	R	–	–	–
Cannabis Transportation Entity (Within 500 feet of a Residential Use as shown in this chart. This will be measured property line to property line. See definitions for distance requirements)	P ±	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	–

In Appendix A – Zoning – Section III District Regulations, (K) Chart of Permitted Uses,

(2) Schedule of uses, SERVICES – Cannabis Research Facility; and Cannabis Testing Facility

should be amended as follows:

* Need not be conducted entirely within a completely enclosed structure.	
R = Allowed by Right P = Planning Commission approval X = Special exception — = Not allowed ± = T zones removed (see definitions)	
Names of Uses and Conditions	
A-1, T1, T2	
R-E	
R-UE	
R-1-15	
R-1-10	
R-1-7.5, T3	
R-1-5	
R-2	
R-3	
R-4	
R-O, T4L	
R-B, T4+	
B-1, T5	
B-2, T6	
B-4	
E-G	
I-1	
I-2	R
I-3	R
SB	
WF	
AE	
SERVICES	
Cannabis Research Facility; Cannabis Testing Facility (See definitions for distance requirements)	P ±
Cannabis Research Facility; Cannabis Testing Facility (Within 500 feet of a Residential Use as shown in this chart. This will be measured property line to property line. See definitions for distance requirements)	P ±

In Appendix A – Zoning – Section III District Regulations, (K) Chart of Permitted Uses, (2) Schedule of uses, RESOURCES PRODUCTION OR EXTRACTION – Cannabis Cultivation should be amended as follows:

* Need not be conducted entirely within a completely enclosed structure.																						
R = Allowed by Right P = Planning Commission approval X = Special exception – = Not allowed																						
Names of Uses and Conditions	A-1, T1, T2	R-E	R-UE	R-1-15	R-1-10	R-1-7.5, T3	R-1-5	R-2	R-3	R-4	R-O, T4L	R-B, T4+	B-1, T5	B-2, T6	B-4	E-G	I-1	I-2	I-3	SB	WF	AE
RESOURCES PRODUCTION OR EXTRACTION																						
Cannabis Cultivation Facility (See definitions for distance requirements)	R ±	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	R	R	–	–	–
Cannabis Cultivation Facility (Within 500 feet of a Residential Use as shown in this chart. This will be measured property line to property line. See definitions for distance requirements)	P ±	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	–

SECTION 3: With the specific finding made by the Governing Authority herein that the immediate effectiveness of this Ordinance is needed and necessary for the immediate and temporary preservation of the public peace, health and safety, most especially associated with the Mississippi Legislature’s recent adoption of the “Mississippi Medical Cannabis Act” and the effect this has on the City and its inhabitants, this Ordinance shall be in full force and become effective immediately upon its passage by unanimous vote and enactment according to law and shall be spread on the minutes of the Gulfport City Council. For failure to be adopted unanimously as reflected by the votes registered herein, this Ordinance shall take effect thirty (30) days after the date of passage hereof.

SECTION 4. The Governing Authority further finds that the following shall serve as an explanatory statement of this Ordinance for purposes of publication: “This Ordinance amends Appendix A to the City’s Code of Ordinances (the Zoning Ordinance) by adding various definitions associated with the Mississippi Medical Cannabis Act and amending the Zoning Ordinance’s ‘Chart of Permitted Uses” related thereto. A copy of the full text of this Ordinance is available to municipal residents upon request to the City Clerk.” For the next thirty (30) days, a copy of the full text of this Ordinance shall be posted by the City Clerk: (a) in the first floor lobby at City Hall (2309 15th Street, Gulfport, Mississippi 39501); (b) in the first floor lobby of the City’s Hardy Building (1410 24th Avenue, Gulfport, Mississippi 39501); and (c) in the first floor lobby of the County Courthouse in Gulfport (1801 23rd Avenue, Gulfport, Mississippi 39501). The City Clerk shall further furnish any resident of the City a copy of the full text of this Ordinance upon request.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Casey, and was adopted by the following roll call vote:

<u>YEAS:</u> Casey Roland Holmes-Hines Walker Sharp Flowers Kosloski	<u>NAYS:</u> None	<u>ABSENT:</u> None
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WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 3rd day of May, 2022.

(SEAL)

ATTEST:
/s/ Brittany Rodgers

Brittany Rodgers, Clerk of Council

ADOPTED:
/s/ Rusty Walker

F.B. “Rusty” Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 4th day of May, 2022.

APPROVED:
/s/ Billy Hewes

Billy Hewes, Mayor