

CITY OF GRANDVIEW

BILL NO. 7417

ORDINANCE NO. 7165

AN ORDINANCE APPROVING A ZONING TEXT AMENDMENT TO REGULATE MEDICAL MARIJUANA IN THE CITY OF GRANDVIEW, MISSOURI.

WHEREAS, the voters of the State of Missouri approved an amendment to Article XVI of the State Constitution establishing a right to access medical marijuana and allowing for legal cultivation, extraction and dispensing of marijuana for medical use; and

WHEREAS, the Board of Aldermen ("Board") of the City of Grandview, Missouri ("City") desires to amend the Zoning Ordinance of the City to regulate medical marijuana in the City in accordance with the purposes of Article XVI of the State Constitution; and

WHEREAS, on April 3, 2019, the Planning Commission of the City held a public hearing on proposed zoning regulation of medical marijuana; and

WHEREAS, on June 5, 2019, the Planning Commission unanimously voted to recommend that the Board adopt this ordinance approving a zoning text amendment; and

WHEREAS, on June 25, 2019, the Board held a public hearing on the zoning text amendment to regulate medical marijuana in the City as recommended by the Planning Commission; and

WHEREAS, the Board has determined that approval of the zoning text amendment as recommended by the Planning Commission, with revisions, is in the best interests of the City and its residents.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GRANDVIEW, MISSOURI, AS FOLLOWS:

Section 1. Zoning Text Amendment. A zoning text amendment is hereby approved to add a new subsection to Section 31-25 of the Zoning Ordinance of the City of Grandview, Missouri, to read as follows:

31-25 SUPPLEMENTAL REGULATIONS – USE

(M) Medical Marijuana

(1) Definitions

- (a) Child day-care center.** A child day care center or center, whether known or incorporated under another title or name, is a child care program licensed by the Department of Health and Senior Services of the state of Missouri where care is provided for children not related to the child care provider for any part of the twenty-four (24)-hour day.

- (b) Church. A Permanent building, either rented, owned, or leased space within a permanent building, primarily and regularly used as a place of religious worship and associated religious functions (education, fellow-ship, etc.).
- (c) 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 seed thereof and resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.
- (d) Marijuana-Infused Products. Means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.
- (e) Medical Marijuana Cultivation Facility. Means an indoor or greenhouse facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
- (f) Medical Marijuana Dispensary Facility. Means 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 as provided for in this section, to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana- Infused Projects Manufacturing Facility.
- (g) Medical Marijuana-Infused Products Manufacturing Facility. Means 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 Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.
- (h) Medical Marijuana Testing Facility. Means a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

- (i) Medical Marijuana Transportation Facility. Means a facility certified by the State of Missouri to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.
 - (j) Qualifying Patient. Means a Missouri resident diagnosed with at least one qualifying medical Condition.
 - (k) School. Any public elementary or secondary school as defined in RSMo Section 160.011, or any private school giving instruction in a grade or grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.
- (2) Principal Permitted Uses, Where. Notwithstanding Section 31-5(C) and other provisions of this Zoning Ordinance to the contrary, medical marijuana facilities shall be allowed to locate in the city as Principal Permitted Uses as follows, it being the intent of the Board of Aldermen that this Section 31-25(M) supplement the lists of Principal Permitted Uses under the District Regulations for the indicated Zoning Districts:
 - (a) Medical Marijuana Dispensary Facility. Medical marijuana dispensary facilities shall be a Principal Permitted Use in the following zoning districts: C-1 (Neighborhood Shopping District); C-2 (General Commercial); C-3 (Downtown Commercial); and existing PD districts established to allow permitted uses listed in C-1, C-2 and C-3 districts.
 - (b) Medical Marijuana Cultivation, Infused Products Manufacturing, Testing and Transportation Facilities. Medical marijuana cultivation, infused products manufacturing, testing and transportation facilities shall be Principal Permitted Uses in the following districts: I-1 (Light Industrial); I-2 (Heavy Industrial); and existing PD districts established to allow permitted uses listed in I-1 and I-2 districts.
 - (c) Multiple Medical Marijuana Facility Licenses Under One Roof. Multiple medical marijuana facility operations in the same building as licensed by the Missouri Department of Health and Senior Services shall be a permitted use in the following districts: I-1 (Light Industrial); I-2 (Heavy Industrial); and existing PD districts established to allow Principal Permitted Uses listed in I-1 and I-2 districts. An example would be a single licensee operating medical marijuana cultivation, infused products manufacturing and dispensary facilities in the same building.

(3) Distance Requirements.

- (a) Medical Marijuana Dispensary Facilities. No new medical marijuana dispensary facility, including one co-located with another type of facility, shall be sited, at the time a site plan is submitted, within one thousand (1,000) feet of any then-existing protected school, church or child day-care center.
- (b) Protected Schools, Churches and Child Day-Care Centers. The Director of Community Development shall create and use his best efforts to maintain a list of current schools, churches and child day-care centers for the purpose of imposing the distance requirements set out in subsection (3)(a). An eligible school, church or child day-care center not on the list may request to be added to the list by completing a form prepared for that purpose by the Department of Community Development. The request form must be accompanied by documentation to establish, to the satisfaction of the Director of Community Development, in his/her sole discretion, that the applying school, church or child day-care center qualifies for the protection of the distance requirement.
- (c) Distance Measurement. Measurement shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
- a. In the case of a dispensary in a freestanding building, the distance to the school, church or child day-care center shall be measured from the external wall of the building closest in proximity to the school, church or child day-care center to the closest point of the property line of the school, church or child day-care center. If the school, church or child day-care center 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, church or child day-care center closest in proximity to the dispensary.
 - b. In the case of a dispensary that is located in a larger structure, such as an office building or strip mall, the distance between the dispensary and the school, church or child day-care center shall be measured from the property line of the school, church or child day-care center to the facility's entrance or exit closet in proximity to the school, church or child day-care center. If the school, church or child day-care center 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, church or child day-care center closest in proximity to the dispensary.
- (d) Other Medical Marijuana Facilities. The distance requirements applicable to medical marijuana dispensary facilities shall not apply to medical marijuana cultivation, infused-product manufacturing and testing facilities.

- (e) Proximity to Residential Districts. No medical marijuana facility shall be sited, at the time a site plan is submitted, within two hundred (200) feet of any then-existing residentially zoned parcel. In the case of a medical marijuana facility in a freestanding building, the distance to the residentially zoned parcel shall be measured from the closest external wall of the building to closest property line of the residentially zoned parcel. In the case of a medical marijuana facility that is located in a larger structure, such as an office building or strip mall, the distance between the medical marijuana facility and the residentially zoned parcel shall be measured from the closest property line of the residentially zoned property to the closest facility entrance or exit. All measurements shall be in a straight line.
- (4) Signage. In addition to sign regulations in the City of Grandview Zoning Ordinance, the following shall apply to signage for medical marijuana facilities:

 - (a) Facilities shall not use signage or advertising with the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols.
 - (b) Facilities shall not advertise in a manner that is inconsistent with the medicinal use of medical marijuana or use advertisements that promote medical marijuana for recreational or any use other than for medicinal purposes.
- (5) Hours of Operation. All sales or distribution of medical marijuana and any other products sold to the public through a medical marijuana dispensary shall take place daily between the hours of 8:00 AM and 10:00 PM. Medical marijuana dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the medical marijuana dispensary may be present in such a facility at any time it is closed to the public. All other medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the facility shall be on the premises at any time without being approved for entry and logged in by building security personnel and are required to obtain a visitor pass.
- (6) Other Standards for Medical Marijuana Facilities.

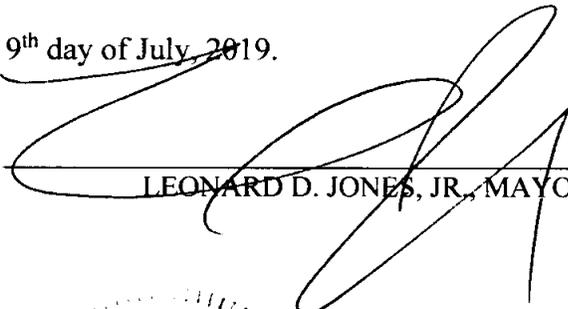
 - (a) Outdoor Operations or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations, storage or cultivation shall be permitted.
 - (b) Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana facility.
 - (c) 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 of the licensed medical marijuana facility.

- (d) Ventilation Required. All medical marijuana facilities shall install and operate a ventilation system that will prevent any order of marijuana from leaving the premises of the facility. No odors shall be detectible by a person with a normal sense of smell outside the boundary of the parcel or leased space in which the facility is located.
 - (e) Plan Review. Development plans meeting the requirements of this Section 31-25(M) and all City codes and regulations, including but not limited to the current adopted building codes and the Zoning Ordinance, shall be submitted for review and approval. The plans shall include a description of the ventilation system to be used to contain odors within the building or leased space.
- (7) Publication. Upon submittal of development plans, notice shall be published in a newspaper of general circulation in the City advising the public that a proposed medical marijuana facility submitted development plans, listing the address of the proposed location, and advising schools and churches that they have seven (7) days from the date of the publication to contact the Director of Community Development regarding imposition of the distance requirements set out in subsection 31-25 (M)(3)(A).

Section 2. Effective Date. This ordinance shall be in full force and effect from the date of its passage.

Passed this 9th day of July, 2019.

Approved this 9th day of July, 2019.



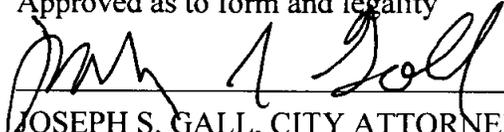
 LEONARD D. JONES, JR., MAYOR

ATTEST:



 BECKY SCHIMMEL, CITY CLERK

Approved as to form and legality



 JOSEPH S. GALL, CITY ATTORNEY

