

ORDINANCE NO. 4106

AN ORDINANCE AMENDING SECTION 36-173 RELATED TO MARIJUANA BUSINESSES OF THE ZONING CODE OF THE CITY OF CLINTON.

WHEREAS, the Clinton Planning Commission conducted a public hearing on January 9, 2023, to consider amendments to Chapter 36 of the Clinton Code of Ordinances; and

WHEREAS, the Clinton Planning Commission recommended approval of said amendments by a vote of 5 Yeas, 2 Nays, 0 Abstentions and 0 Absent;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLINTON, MISSOURI, AS FOLLOWS:

Section 1. Section 36-173 is hereby amended to read as follows:

Sec. 36-173. Marijuana.

- (a) Definitions. In addition to the definitions found in section 36-87 the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cultivation means 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 means providing, selling, making available or otherwise distributing marijuana or marijuana products from any facility or location, whether fixed or mobile.

Distribution means the procurement, sale, and transport of marijuana and marijuana products.

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

Marijuana means 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 of a medical marijuana qualifying patient.

Marijuana cultivation facility means an entity which has been licensed by the state 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 marijuana-infused products manufacturing facility, whether medical or otherwise.

Marijuana dispensary means an entity that has been licensed by the state department of health and senior services to acquire, sell, store, transport, or deliver marijuana or marijuana-infused products, whether medical or otherwise, and operated in compliance with all applicable state rules. The term "marijuana dispensary" also includes cultivating dispensaries.

Marijuana-infused manufacturing or processing facility means an entity which has been licensed by the state department of health and senior services to operate a facility that incorporates marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible products, whether medical or otherwise.

Marijuana qualifying customer means a person who is authorized by the state to obtain and use marijuana products, or a primary caregiver of such person, as that term is defined in article XIV of the state constitution.

Marijuana transportation facility means a facility certified by the state to transport marijuana or marijuana products.

Processing means 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, or to sell includes 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.

- (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 state constitution and regulated by the state 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 lawful purposes, while ensuring that the provisions of state and city law are met.
- (c) Permitted uses.
 - (1) Marijuana/cannabis cultivation centers and 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) Marijuana/cannabis dispensaries shall be permitted uses in C-3 General Commercial Districts and C-4 Open Display Commercial Districts.
 - (3) 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 and the city.
- (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.
 - (1) No cultivation center or marijuana-infused manufacturing facilities shall be located within 1,000 feet of any school, church, or other building regularly used as a place of worship.
 - (2) No marijuana dispensary shall be located within 1,000 feet of any school, church, or other building regularly used as a place of worship.
 - (3) 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, all uses described in this Section must meet all other the requirements for the zoning district in which they are located.
- (j) Parking. Parking shall be provided in accordance with chapter 36, article IV, division 5.
- (k) Drive-through, take-out or drive-in service. There shall be no drive-through service, take-out window, or drive-in service at any marijuana related business.
- (l) Enclosed building. 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 state 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:
 - a. 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.
 - 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 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.
 - c. Measurements shall be made along the shortest path between the measurement points that can be lawfully travelled by foot along public routes.
 - (2) For marijuana transportation facilities, distance shall be measured as follows:
 - a. 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.
 - b. 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.
 - c. Measurements shall be made along the shortest path between the measurement points that can be lawfully travelled by foot along public routes.

Section 2. It is intended that the provisions of Section One be incorporated into the Code of Ordinances.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Read for the first time the 18th day of January, 2023.

Read for a second time and passed this 7th day of February, 2023.

Carla Moberly

Carla Moberly, Presiding Officer

ATTEST:

8 Ayes: Gene Henry, Roger House, Cameron Jackson, Martha Nichols, Rick Pereles, Becky Raysik, Debbie Smith and Daniel Wilson

0 Nays:

0 Absent:

Wendee Seaton

Wendee Seaton, City Clerk



Carla Moberly

Carla Moberly, Mayor