

BILL NO. 2019-113

ORDINANCE NO. 10961

**AN ORDINANCE AMENDING SECTIONS 64-1, 64-44 THRU 64-46 AND 64-124 AND ADDING SECTION 64-48 TO CHAPTER 64 OF THE CODE OF ORDINANCES OF THE CITY OF SEDALIA, MISSOURI RELATING TO MEDICAL MARIJUANA.**

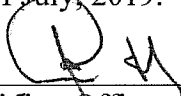
**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI, AS FOLLOWS:**

**Section 1.** The Planning and Zoning Commission of the City of Sedalia, Missouri, has recommended by a vote of 7-yes, 0-no to approve changes to the zoning codes relating to medical marijuana. This recommendation was made after publication of notice as required by the ordinances of the City of Sedalia, Missouri and the laws of the State of Missouri, a public hearing on May 22, 2019 to consider the Zoning Code changes, and upon the hearing and examination of said changes by the Planning and Zoning Commission.


**Section 2.** Sections 64-1, 64-44 thru 64-46, 64-48 and 64-124 are hereby amended and added to read as follows: SEE ATTACHED EXHIBIT A.

**Section 3.** This ordinance shall be in full force and effect from and after its passage and approval by said council.


Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 1<sup>st</sup> day of July, 2019.

  
\_\_\_\_\_  
Presiding Officer of the Council

Approved by the Mayor of said City this 1<sup>st</sup> day of July, 2019.

  
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John Kehde, Mayor

ATTEST:

  
\_\_\_\_\_  
Arlene Silvey, MPCC  
City Clerk

## EXHIBIT A

### Sec 64-1. – Definitions.

Day-care center means a group program providing care for more than ten children in a family home or more than four children in a facility other than a family home where care is provided for children by a child care provider for any part of the twenty-four (24)-hour day and that is licensed, regulated or subsidized by the Missouri Department of Health and Senior Services.

*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.

*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.

*Medical Marijuana Cultivation Facility.* Means a facility licensed by the State of Missouri's Department of Health & Senior Services or its successor agency, 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.

*Medical Marijuana Dispensary Facility.* Means a facility licensed by the State of Missouri's Department of Health & Senior Services or its successor agency 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 Products manufacturing Facility.

*Medical Marijuana-Infused Products Manufacturing Facility.* Means a facility licensed by the State of Missouri's Department of Health & Senior Services or its successor agency 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 Products Manufacturing Facility.

*Medical Marijuana Testing Facility.* Means a facility certified by the State of Missouri's Department of Health & Senior Services or its successor agency to acquire, test certify and transport marijuana.

Sec. 64-44 (b):

. . . (6) Medical Marijuana Dispensary Facility entirely within enclosed building; provided that the facility is located on property adjacent to or bordering US Highways 50, 65 or West Main Street. See Sec. 64-48 for additional conditions

(7) Miniature golf courses; provided, that any floodlights shall be directed away from adjoining residence districts;

(8) Hotels, motels, motor hotels, tourist homes; except any hotel which exceeds 35 feet and two and one-half stories in height shall not exceed 100 feet and shall not exceed eight stories in height and shall require a special use permit under section 64-124.

(9) Sale of lawn ornaments, ornamental iron, ornamental fences;

(10) Plumbing, heating and air conditioning shops; provided, that no equipment or material is stored on the premises in the front or side yards;

(11) Pop bottling plants;

(12) Rental stores;

(13) Sale and maintenance of farm equipment;

(14) Storage in bulk of, or warehouse for, such materials as are incidental to sale on the premises or permitted in this subsection (a);

(15) Retail sale of LP gas; provided, that installation of all equipment is in compliance with the state LP gas law; and further provided, that no tank used as a container of LP gas shall be located closer than 100 feet to a property line or to an existing dwelling or to a district R-1 to R-3 inclusive;

(16) Accessory uses customarily incident to any of the uses in this subsection (a). . . .

64-45 (b):

(26) Medical Marijuana Dispensary Facility entirely within enclosed building; provided that the facility is located on property adjacent to or bordering US Highways 50, 65 or West Main Street. See Sec. 64-48 for additional conditions;

(27) Milk bottling or distribution plants;

(28) Monument or marble works, finishing and carving only, excluding stone cutting;

(29) Moving, transfer or storage plants;

(30) Photo engraving plants;

(31) Planning mills; provided, that no mechanical power in excess of five horsepower is used in the operation of any one machine;

(32) Plumbing and sheet metal shops (allowing punching of material of one-eighth inch or less in thickness);

- (33) Printing plants;
- (34) Produce markets (wholesale);
- (35) Railroad freight yards;
- (36) Sales rooms, yards and service for farm machinery, contractors' equipment and oil well supplies;
- (37) Sign painting plants;
- (38) Stables (public) or wagon sheds;
- (39) Storage in bulk of, or warehouse for, such materials as: asphalt, brick, building material, cement, coal, contractors' equipment, cotton, feed, fertilizer, gasoline, grain, gravel, grease, hay, ice, lead, lime, machinery, metals, oil, plaster, poultry, roofing, rope, sand, stone, tar, tarred or creosoted products, terracotta, timber, wood, wool, all when incidental to sale at retail or for purpose of constructing improvements on the premises;
- (40) Tool and die shops for the making of tools, jigs, fixtures, equipment and like items; provided, the rating of any single machine does not exceed 25 horsepower, and there shall be no stamping, casting, molding or blanking done on the premises;
- (41) Tracks (team, loading, or storage);
- (42) Veterinary hospitals;
- (43) Accessory uses customarily incident to any of the uses in this subsection (a). . . .

64-46 (b):

. . . (30) Medical Marijuana Cultivation Facility, entirely within enclosed building, see Sec 64-48 for additional conditions;

(31) Medical Marijuana Dispensary Facility entirely within enclosed building; provided that the facility is located on property adjacent to or bordering US Highways 50, 65 or West Main Street. See Sec. 64-48 for additional conditions;

(32) Medical Marijuana-Infused Products Manufacturing Facility, see Sec 64-48 for additional conditions;

(33) Medical Marijuana Testing Facility, entirely within enclosed building, see Sec 64-48 for additional conditions;

(34) Metal stamping, shearing, punching works, etc.

(35) Monument or marble works;

(36) Oil compounding and barreling plants;

(37) Planning mills;

(38) Plumbing and sheet metal shops;

- (39) Railroad round houses or shops;
- (40) Rock crushers;
- (41) Salt works;
- (42) Sheet metal shops;
- (43) Steel furnaces;
- (44) Stone cutting;
- (45) Structural iron or pipe works;
- (46) Sugar refineries;
- (47) Tar distillation or manufacture;
- (48) Tool and die shops;
- (49) Wire or rod mills;
- (50) Wood distillation plants (charcoal, tar, turpentine, etc.);
- (51) Wood scouring works;
- (52) Any other uses not now or hereafter prohibited by ordinance of the city regulating nuisances . . . . ;
- (53) Accessory uses customarily incident to any of the uses in this subsection (b).

Sec 64-48 Medical Marijuana Facilities.

- a. Compliance with State Law. Uses shall remain in compliance with Section 1 of Article XVI of the Missouri Constitution.
- b. Proximity of Facilities. Medical Marijuana facilities are prohibited within set distances listed below from any elementary or secondary school, child day-care center, church, or other building regularly used as a place of religious worship, except when the aforementioned uses establish themselves within the prohibited distance, existing Medical Marijuana facilities may remain. The intended use of a Medical Marijuana Facility at a specific address is established at the time the application is submitted to the City. At that moment, the condition is established that the address conforms to proximity requirements.

The prohibited distance shall be measured along the shortest path between the demarcation points that can be lawfully traveled by foot.

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. 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.

2. 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.

The set distances Medical Marijuana Facilities need to remain away from any elementary or secondary school, child day-care center, church, or other building regularly used as a place of religious worship shall be as follows:

1. Medical Marijuana Dispensary Facility: 1000 Feet. Allowed exclusively in District C-3 Commercial, M-1 Light Industrial and M-2 Heavy Industrial Districts at properties adjacent to or bordering Highways 50 and 65, except any such properties South of 32<sup>nd</sup> Street and North of the Highway 50/65 intersection; and allowed exclusively in District C-3 Commercial District, M-1 Light Industrial and M-2 Heavy Industrial properties adjacent to or bordering West Main Street.
  2. Medical Marijuana Cultivation Facility: 1000 Feet. Allowed exclusively in District M-2, Heavy Industrial.
  3. Medical Marijuana-Infused Products Manufacturing Facility: 1000 Feet. Allowed exclusively in District M-2, Heavy Industrial.
  4. Medical Marijuana Testing Facility: 1000 Feet. Allowed exclusively in District M-2, Heavy Industrial.
- c. Hours of Operation. All sales or distribution of Medical Marijuana and any other products sold to the public, or distributed by delivery from the premises of a Medical Marijuana Dispensary shall take place between the hours of 8:00 AM and 8:00 PM Sunday through Saturday. 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 Medical Marijuana-Infused Products Manufacturing Facilities shall be closed to the public. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.

All Medical Marijuana Cultivation Facilities shall be closed to the public. No persons not employed by the business shall be on the premises at any time without being

approved entry and logged in by building security personnel and are required to obtain a visitor pass.

All Medical Marijuana Testing Facilities shall be closed to the public. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.

No Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment for Marijuana Cultivation, Marijuana Testing or Marijuana-Infused Manufacturing Facilities shall be within a fully secured area inside the building structure.

- d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Facility.
- e. Display of License Required. The Medical Marijuana license issued by the state of Missouri shall be prominently displayed in a highly visible location, easily seen by patients.
- f. Residential Dwelling Units Prohibited. No Medical Marijuana Facility shall be located in a building that contains a residence.
- g. Ventilation/Filtration Required. All Medical Marijuana businesses shall install and operate a filtration and/or ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
- h. Site Plan Review Required. Site and construction plan review required for Compliance to city building, public works, police and fire codes.
- i. Signage. In addition to the sign regulations located in the City of Sedalia, Medical Marijuana 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.

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 legitimate medicinal purposes.

Sec. 64-124. - Uses; public hearing required (a).

... (28) Medical marijuana dispensary facilities.