

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 190430, AS
AMENDED

Amending Chapter 88, Zoning and Development Code, to regulate Medical Marijuana facilities authorized by Article 14, Section 1 of the Missouri Constitution.

WHEREAS, an amendment to Missouri's Constitution was approved by voters on November 6, 2018, allowing access to medical marijuana in Missouri; and

WHEREAS, Article 14, Section 1 of the Missouri Constitution authorizes state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions; and

WHEREAS, the Missouri Department of Health and Senior Services is responsible for regulating and licensing medical marijuana cultivation, dispensary, manufacturing and testing facilities, and will begin accepting applications for such facilities in August 2019; and

WHEREAS, all remaining regulations, as pertaining to marijuana, for the City of Kansas City, Missouri, are to be drafted with the guidance of outside experts in this field, with the approval of the office of the City Attorney, to be voted on and enacted by the City Council; and

WHEREAS, amendments are needed to the Zoning and Development Code in order to regulate where medical marijuana facilities may be located in the City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Sections 88-805-04-P (Office); 88-805-04-V (Retail Sales); 88-805-05-B (Manufacturing, Production and Industrial Services); and 88-805-06 (Agricultural Use Group); are hereby repealed and new sections of like number and title are hereby enacted; and that 88-354 Medical Marijuana Facilities; 88-810-835 Marijuana/Marihuana; 88-810-836 Marijuana-Infused Products; 88-810-882 Medical Marijuana Cultivation Facility; 88-810-883 Medical Marijuana Dispensary Facility; 88-810-884 Medical Marijuana-Infused Products Manufacturing Facility; and 88-810-885 Medical Marijuana Testing Facility, are hereby enacted, said new and re-enacted sections to read as follows:

88-805-04-P. OFFICE

1. ADMINISTRATIVE, PROFESSIONAL OR GENERAL OFFICE

Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include administrative offices, law offices, architectural firms, insurance companies, and government offices.

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2. MEDICAL OFFICE

Personal health services including prevention, diagnosis and treatment; rehabilitation services provided by physicians, dentists, nurses, and other health personnel; and medical testing and analysis services, including medical marijuana testing facilities. Typical uses include medical and dental offices, health maintenance organizations, blood banks, plasma centers, and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

88-805-04-V. RETAIL SALES

Businesses involved in the sale, lease, or rent of new or used products or merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores. Also includes medical marijuana dispensary facilities.

1. OUTDOOR RETAIL SALES - CLASS A

Outdoor retail sales - class A are permanent uses outside of a completely enclosed building or structure used to display goods for sale to the general public as part of and subordinate to retail sales or similar business establishment. This includes but is not limited to garden supplies, building supplies, and plant materials.

2. OUTDOOR RETAIL SALES - CLASS B

Outdoor retail sales - class B are permanent uses where the majority of the retail space is outdoors and items are for sale to the general public. This includes but is not limited to garden nurseries, manufactured home sales, and recreational and play equipment sales,

88-805-05-B. MANUFACTURING, PRODUCTION AND INDUSTRIAL SERVICES

1. ARTISAN

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

- a. Artisanal Food and Beverage Manufacturing includes production of foods and beverages consumed and/or offered for sale on-site or produced for sale off-site and catering establishments, in accordance with 88-318.

2. LIMITED

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: medical marijuana-infused products manufacturing facilities, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product

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manufacturing/assembly; a contractor's establishment if the principal use is fabrication and manufacturing; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

3. GENERAL

- a. Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: asphalt plants, concrete plants, textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing. Also includes medical, scientific, or technology-related research establishments that produce odors, dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

- b. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as "repair or laundry services."

4. INTENSIVE

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. Also includes smelting, animal slaughtering, and oil refining.

88-805-06 - AGRICULTURAL USE GROUP

The agricultural use group includes the following:

88-805-06-A. AGRICULTURE, CROP

The use of land for the production of row crops, field crops, tree crops; timber, bees, apiary products, or fur-bearing animals. Also includes medical marijuana cultivation facilities.

88-805-06-B. AGRICULTURE, ANIMAL

The feeding, breeding, raising or holding of cattle, swine, poultry or other livestock, whether held in a confinement area or open pasture. Also includes the killing, butchering or dressing of livestock, fowl, fish or other animals raised on the premises. Such killing, butchering or dressing shall be done within an accessory building (or principal building if animal agriculture is the principal use on the lot), which building shall be located not less than 200 feet from any property line.

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88-354-MEDICAL MARIJUANA FACILITIES

88-354-01 APPLICABILITY

Medical marijuana facilities must be licensed by the Missouri Department of Health and Senior Services, or its successor entity as authorized by Article XIV section 1 of the Missouri Constitution.

88-354-02 STANDARDS AND CONDITIONS FOR MEDICAL MARIJUANA CULTIVATION FACILITIES, MEDICAL MARIJUANA DISPENSARY FACILITIES, MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITIES, AND MEDICAL MARIJUANA TESTING FACILITIES.

All medical marijuana facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under Article XIV, section 1 of the Missouri Constitution, shall operate according to the local regulations applicable to all properties in zoning districts which allow the use of medical marijuana facilities.

88-354-02-A. DISTANCE REQUIREMENT FROM SCHOOLS.

All Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, and Medical Marijuana Testing Facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under Article XIV, section 1 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within seven hundred fifty (750) feet of any then-existing elementary or secondary school, as elementary and secondary schools are defined by state laws and regulations governing medical marijuana facilities.

All Medical Marijuana Dispensary Facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under Article XIV, section 1 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within three hundred (300) feet of any then-existing elementary or secondary school, as elementary and secondary schools are defined by state laws and regulations governing medical marijuana facilities.

88-354-02-B. DISTANCE REQUIREMENT FROM CHURCHES AND DAY CARE CENTERS.

All medical marijuana facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under Article XIV, section 1 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within three hundred (300) feet of any then-existing church or daycare, as church and daycare are defined by state laws and regulations governing medical marijuana facilities.

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88-354-03 MEASUREMENTS

Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

88-354-03-A. MEASUREMENT REQUIREMENT FOR FREESTANDING FACILITIES

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.

88-354-03-B. MEASUREMENT REQUIREMENT FOR FACILITIES THAT ARE PART OF A LARGER STRUCTURE

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.

88-354-04 HOURS OF OPERATION

Medical marijuana dispensary facilities shall have limited hours of operation from 8:00 a.m. to 10:00 p.m.

88-354-05 STORAGE

All operations and any storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

88-354-06 EXTERNAL IMPACTS

All medical marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the facility. No odors shall be detectable by a person with a normal sense of smell beyond the property lines of the subject property. Further, the production process shall not produce dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

88-810-835 MARIJUANA/MARIHUANA

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 does not include industrial hemp containing a crop-wide average

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tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

88-810-836 MARIJUANA-INFUSED PRODUCTS

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.

88-810-882 MEDICAL MARIJUANA CULTIVATION FACILITY

A 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.

88-810-883 MEDICAL MARIJUANA DISPENSARY FACILITY

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.

**88-810-884 MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURING FACILITY**

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.

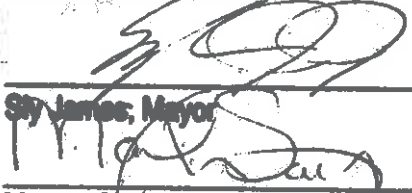
88-810-885 MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.



Authenticated as Passed



Marilyn Sanders, City Clerk

JUL 11 2019

Date Passed


Secretary, City Plan Commission

Approved as to form and legality:


Sarah Baxter
Assistant City Attorney