

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 250997

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-354, Marijuana Facilities, and enacting in lieu thereof a new section of like number and subject matter for the purpose of allowing marijuana dispensaries located at least 1,000 feet from residential zoning districts to operate 24 hours per day subject to approval of a special use permit.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending Chapter 88, Code of Ordinances, by repealing and replacing Section 88-354, Marijuana Facilities, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-354 MARIJUANA FACILITIES

88-354-01 APPLICABILITY

Marijuana facilities authorized by article XIV, sections 1 and 2 of the Missouri Constitution must be licensed by the Missouri Department of Health and Senior Services, or its successor entity.

88-354-02 STANDARDS AND CONDITIONS FOR ALL MARIJUANA FACILITIES

All marijuana facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall operate according to the local regulations applicable to all properties in zoning districts which allow the use of marijuana facilities.

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

All comprehensive or medical marijuana cultivation facilities, comprehensive or medical marijuana-infused products manufacturing facilities, and marijuana testing facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 1,000 feet of any then-existing elementary or secondary school, as elementary and secondary schools are defined by state laws and regulations governing comprehensive and medical marijuana facilities.

All comprehensive or medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 1,000 feet of any then-existing elementary or secondary

school, as elementary and secondary schools are defined by state laws and regulations governing comprehensive and medical marijuana facilities.

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

All marijuana facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 300 feet of any then-existing church or daycare, as church and daycare are defined by state laws and regulations governing marijuana facilities.

88-354-02-C. DISTANCE REQUIREMENT FROM OTHER MARIJUANA DISPENSARY FACILITIES

All comprehensive dispensary facilities, marijuana microbusiness dispensary facilities, or medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 2,000 feet of any then-existing comprehensive dispensary facilities, marijuana micro dispensary facilities, or medical marijuana dispensary facilities.

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, dispensary, church, or residential zoning district shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, dispensary, or church to the closest point of the property line of the school, daycare, dispensary, church, or residential zoning district. If the school, daycare, dispensary, church, or the boundary line of the residential zoning district 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, dispensary, 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, church, or the boundary line of the residential zoning district to the facility's entrance or exit closest in proximity to the school, daycare, church, or residential zoning district. 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

88-354-04-A. GENERALLY

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

88-354-04-B. TWENTY-FOUR HOUR OPERATIONS

Comprehensive and Medical Marijuana dispensary facilities that are located more than 1000 feet from a residential zoning district may operate twenty-four hours per day subject to approval of a Special Use Permit. No special use permit for twenty-four hour operations may be approved for a period longer than 5 years duration. Extensions of the approved time period may be approved through a new special use application and hearing.

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

No marijuana facility shall produce dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

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

Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney