File #: 240411, **Version:** 3

[SECOND COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240411

Sponsor: Councilmember Eric Bunch
SECOND COMMITTEE SUBSTITUTE

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 requiring a distance of 2,000 feet between marijuana dispensary facilities and amending the distance between schools and marijuana facilities; amending 88-805-04-V, Retail Sales, to classify marijuana dispensary facilities as a retail sales use; and amending Section 88-810 by adding definitions applicable to marijuana uses.

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 for the purpose of requiring a distance of 2,000 feet between marijuana dispensary facilities, 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, or church 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, or church. If the school, daycare, dispensary, 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, 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, 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
Comprehensive and 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
No marijuana facility shall produce dust, vibration, noise, or other external impacts that are detectable beyond the property lines of the subject property.

Section 2. Amending Chapter 88, Code of Ordinances, by repealing and replacing Section 88-805-04-V, Retail Sales, and enacting in lieu thereof a new section of like number and subject matter for the purpose of clarifying that marijuana dispensary facilities are a retail sales use, said section to read as follows:

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 comprehensive marijuana dispensary facilities and 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.

Section 3. Amending Chapter 88, Code of Ordinances, by adding definitions to Section 88-810 concerning marijuana facilities.

88-810-835.2.2 - MARIJUANA MICROBUSINESS DISPENSARY FACILITY
A microbusiness facility licensed by the state where marijuana is dispensed for medical or adult use.

88-810-835.2.3 - MARIJUANA MICROBUSINESS FACILITY
A facility licensed by the state as a microbusiness dispensary facility or microbusiness wholesale facility.

88-810-835.2.4 - MARIJUANA RESEARCH FACILITY
A facility licensed by the state where activities intended to facilitate scientific research or education related to marijuana product occur.

88-810-835.4 - MARIJUANA MICROBUSINESS WHOLESALE FACILITY
A microbusiness facility licensed by the state where marijuana cultivation operations for medical or adult use occur and/or where marijuana-infused projects and prerolls are manufactured for medical or adult use.

Section 4. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

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