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First Reading 5-20-19

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Ordinance No. 023895

Council Bill No. B 145-19 A

**AN ORDINANCE**

amending Chapter 29 of the City Code to establish regulations for medical marijuana facilities; and fixing the time when this ordinance shall become effective.

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

SECTION 1. Chapter 29 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 29-1.11. Definitions and rules of construction.

(a) *Definitions—General.* For the purpose of this chapter 29, the following words and terms are defined to mean the following:

*Mechanized clearing.* Clearing of land by tracked or wheeled vehicles which scrape, cultivate or scarify the surface of the ground exposing bare soil and uprooting vegetation.

*Medical marijuana cultivation facility.* A facility licensed by the Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

*Medical marijuana dispensary facility.* A facility licensed by the Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for by state law and regulations 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.* A facility licensed by the Department of Health and Senior Services to acquire, store, manufacture, transport, and

sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

Medical marijuana testing facility. A facility certified by the Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

Mine or quarry. An excavation in the earth for extracting subsurface earthen materials such as limestone.

Sec. 29-3.2. Permitted use table.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE														
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use														
Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O		PD
LAND USE CATEGORY														
<b>COMMERCIAL USES</b>														
<b>Agriculture &amp; Animal-Related</b>														
Agriculture											P			
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P	Per PD Approval	
Greenhouse or Plant Nursery							P			P	P			
<u>Medical Marijuana Cultivation Facility</u>										P	P			(qq)
Pet Store or Pet Grooming						P	P	P	C	C				
Urban Agriculture			C		P	P	C	C			P			(p)
Veterinary Hospital					C	C	P	P	P	P				(q)

**Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE**  
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Zoning District	Residential				Mixed Use					Special Purpose			Use-Specific Standards, in Section 29-3.3	
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O		PD
LAND USE CATEGORY														
<b>COMMERCIAL USES (cont.)</b>														
<b>Office</b>														
Commercial or Trade School					P	P	P	P	P	P			Per PD Approval	(t)
<u>Medical Marijuana Testing Facility</u>							P		P	P				(qq)
Office					P	P	P	P	P	P				
Research and Development Laboratory					P	P	P	P	P	P				(u)
Wholesale Sales Office or Sample Room							P	P	P	P				
<b>Retail</b>														
Alcoholic Beverage Sale						P	P	P	P	P			Per PD Approval	(z)
<u>Medical Marijuana Dispensary Facility</u>							P	P		P				(qq)
Retail, Adult							P	P		P				(x)
Retail, General						P	P	P		P				(aa)
<b>INDUSTRIAL USES</b>														
<b>Manufacturing, Production and Extraction</b>														
Artisan Industry						P	P	P	P	P			Per PD Approval	
Bakery						C	P	P	P	P				
Heavy Industry										C				
Light Industry									C	P				(ee)
Machine Shop							C			P				

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD	
LAND USE CATEGORY														
<b>INDUSTRIAL USES (cont.)</b>														
<b>Manufacturing, Production and Extraction (cont.)</b>														
<u>Medical Marijuana-Infused Products Manufacturing Facility</u>										P	P		Per PD Approval	(qq)
Mine or Quarry										C	C			

Sec. 29-3.3. Use-specific standards.

All uses for which the permitted use table in section 29-3.2 shows use-specific standard(s) shall comply with the applicable standard(s) in this section. In addition, all development shall comply with all other applicable provisions of this chapter.

In the event of a conflict between these use-specific standards and the requirements of chapter 29-4, the use-specific standards set forth in this section shall apply, except in the M-DT district, where the standards of the M-DT district will apply.

Where these use-specific standards require spacing between uses, no existing use that complied with applicable spacing requirements when the primary use was established on the property shall be made nonconforming because of the later location of any facility closer than the required spacing or because of an amendment to this chapter changing any applicable spacing distance.

- (a) *Primary use of land and buildings: Dwelling, one-family detached.*

- (pp) Reserved.

(qq) Primary use of land and buildings: Medical marijuana facilities. Pursuant to Article XVI of the Missouri Constitution the following four (4) types of medical marijuana facilities have been authorized: cultivation, dispensary, infused product manufacturing, and testing. These facility types are defined within Section 29-1.11 of this chapter and shall be subject to the following additional standards:

- (1) No facility shall be located within five hundred (500) feet of an existing public or private elementary or secondary school, child day care center, or church as those terms are defined in the Rules of the Missouri Department of Health and Senior Services as contained in the Code of State Regulations Title 19 CSR Division 30 Chapter 95.
- (2) The number of medical marijuana dispensary facilities located within the city limits shall be limited to one (1) per twenty thousand (20,000) population, or fraction thereof, as established by the most recent U.S. Census Bureau, Population Estimates Program (PEP).
- (3) No single tenant space may be occupied by multiple facility types. Each facility shall only be permitted to operate according to its definition and licensure.
- (4) Medical marijuana dispensary facilities may be located within a multi-tenant retail-commercial building provided such facilities are separated from other tenants by full walls separating each tenant space.
- (5) Hours of operation for a medical marijuana dispensary shall be between the hours of 6:00 am and 10:00 pm; irrespective of what zoning district such facility may be located within.
- (6) All facilities shall be within a fully enclosed building unless otherwise authorized by this chapter.
- (7) No facility shall be permitted to be located within a mobile structure.
- (8) All newly-constructed facilities shall be designed to visually integrate with the surrounding structures and comply with applicable city codes. To further preserve the aesthetic integrity of neighborhoods and areas in which retrofitted or newly constructed facilities may be located, there shall be no use of bars or cages on windows to comply with the security requirements within this section.
- (9) Odor emitted from facilities shall not be noxious, cause a public nuisance, be perceptible outside the building, as measured at the property line, or otherwise violate the regulations promulgated by the Department of Health and Senior Services.
- (10) Waste generated by facilities shall be disposed of in accordance to requirements promulgated by the Department of Health and Senior Services and other applicable federal, state, and local laws, whichever shall be more restrictive, to prevent exposure to the public or create a nuisance.

- (11) Facility signage shall be subject to the regulations promulgated by the Department of Health and Senior Services and the requirements of this chapter, whichever is more restrictive.
- (12) Exterior site/security lighting shall be subject to the regulations promulgated by the Department of Health and Senior Services and the requirements of this chapter, whichever is more restrictive.
- (13) Within thirty (30) days of ceasing facility operations, all plants, medical marijuana-related equipment, signage, and any other facility-related items shall be removed from the building and site within or upon which the facility previously existed.
- (14) All facility applicants shall submit, as a component of the City of Columbia Business License application, a Security Plan, Operations and Management Plan, and Emergency Response Plan compliant with the provisions enumerated in Chapter 13 of this Code prior to the issuance of a business license.
- (15) It shall be unlawful for any person to operate a facility without a valid license from the Department of Health and Senior Services, a valid business license from the City of Columbia, and in a manner not in conformance with these supplemental standards of other applicable requirements of this chapter.
- (16) The foregoing use specific standards shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local laws or regulations.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 3<sup>rd</sup> day of June, 2019.

ATTEST:

*Deputy* Donna L. Whalley  
City Clerk

RS  
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]  
City Counselor