

Introduced by Buffaloe

First Reading 1-17-23

Second Reading 2-6-23

Ordinance No. 025243

Council Bill No. B2-23

AN ORDINANCE

amending Chapter 29 of the City Code as it relates to marijuana regulations; 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:

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Common drive. The public or private easement for shared access for vehicles and pedestrians within a block that provides access to the rear or side of properties, vehicle parking (e.g., garages), utility meters, recycling containers, and garbage bins.

Comprehensive marijuana facility. Any comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or comprehensive marijuana-infused product manufacturing facility.

Comprehensive marijuana cultivation facility. A facility licensed by the department of health and senior services to acquire, cultivate, process, package, store onsite or offsite, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical marijuana facility, comprehensive marijuana facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of pre-rolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive marijuana dispensary facility. A facility licensed by the department of health and senior services to acquire, process, package, store onsite or offsite, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient or primary caregiver, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of this code and as otherwise allowed by law, to a comprehensive marijuana facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of pre-rolls.

Comprehensive marijuana-infused products manufacturing facility. A facility licensed by the department of health and senior services to acquire, process, package, store, manufacture, transport to or from a medical marijuana facility, comprehensive marijuana facility, or marijuana testing facility, and sell marijuana-infused products, pre-rolls, and infused pre-rolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused product manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

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Manufactured home stand. Improvement on a manufactured home lot constructed for the purpose of providing a structural base for the manufactured home.

Marijuana facility. Any comprehensive marijuana facility, medical marijuana facility or marijuana testing facility.

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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, package, store onsite or offsite, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cutting (also known as clones) to a medical marijuana dispensary facility, medical-marijuana testing facility, medical marijuana cultivation facility or to a medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process

marijuana shall include the production and sale of pre-rolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana dispensary facility. A facility licensed by the department of health and senior services to acquire, process, package, store onsite or offsite, sell, transport to or from, and deliver marijuana, marijuana sees, and marijuana vegetative cutting (also known as clones), 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, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of pre-rolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana facility. Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in this section.

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-Marijuana testing facility. A facility certified by the department of health and senior services to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

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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														
...														
COMMERCIAL USES														
Agriculture & Animal-Related														
...														
Agriculture													P	

<u>Comprehensive Marijuana Cultivation Facility</u>										<u>P</u>	<u>P</u>	Per PD Approval	(qq)
...													
Office													
...													
Consumer Lending Institution					P	P	P	P	P	P			Per PD Approval
<u>Medical Marijuana Testing Facility</u>							P		P	P			
...													
Retail												Per PD Approval	(z)
Alcoholic Beverage Sale						P	P	P	P	P			
<u>Comprehensive Marijuana Dispensary Facility</u>							<u>P</u>	<u>P</u>		<u>P</u>			(qq)
...													
INDUSTRIAL USES													
...												Per PD Approval	
Manufacturing, Production and Extraction													
...													
Bakery						C	P	P	P	P			
<u>Comprehensive Marijuana-Infused Products Manufacturing Facility</u>										<u>P</u>	<u>P</u>		(qq)
...													

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.

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(qq) *Primary use of land and buildings: ~~Medical marijuana~~ Marijuana facilities.* Pursuant to Article ~~XIV~~ 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 marijuana 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 30Chapter 95.

- (2) The number of total combined medical marijuana dispensary facilities and comprehensive 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 marijuana facility types. Each marijuana facility shall only be permitted to operate according to its definition and licensure.
- (4) Medical marijuana dispensary facilities and comprehensive 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 facility or comprehensive marijuana dispensary facility shall be between the hours of 6:00 a.m. and 10:00 p.m.; irrespective of what zoning district such facility may be located within.
- (6) All marijuana facilities shall be within a fully enclosed building unless otherwise authorized by this chapter.
- (7) No marijuana facility shall be permitted to be located within a mobile structure.
- (8) All newly-constructed marijuana 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 marijuana 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 marijuana 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) Marijuana facility—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 marijuana facility operations, all plants, medical marijuana-related equipment, signage, and any other marijuana facility-related items shall be removed from the building and site within or upon which the marijuana facility previously existed.
- (14) All marijuana 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 marijuana 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.

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

PASSED this 6th day of February, 2023.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor