

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 143-23

AN ORDINANCE

amending Chapter 29 of the City Code to establish microbusiness 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:

...

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

...

Microbusiness marijuana dispensary facility. A facility licensed by the department of health and human 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 as provided for in this section to a consumer, qualifying patient, as that term is defined in section I of this article, or primary caregiver, as that term is defined in section I of this article, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this article and as otherwise allowed by law, a microbusiness marijuana wholesale facility, or a marijuana testing facility. Microbusiness marijuana 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 microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness marijuana facility. A facility licensed by the department of health and human services as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

Microbusiness marijuana wholesale facility. A facility licensed by the department of health and human services to acquire, cultivate, process, package, store onsite or offsite, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness marijuana wholesale facility, or marijuana testing facility. A microbusiness marijuana wholesale facility may cultivate up to two hundred and fifty (250) flowering marijuana plants at any given time. A microbusiness marijuana wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

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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															
Retail															
Alcoholic Beverage Sale						P	P	P	P	P				Per PD Approval	(z)
Comprehensive Marijuana Dispensary Facility							P	P		P					(qq)
Medical Marijuana Dispensary Facility							P	P		P					(qq)
<u>Microbusiness Marijuana Dispensary Facility</u>							P	P		P					(qq)
...															

INDUSTRIAL USES															
...															
Manufacturing, Production and Extraction															
...															
Medical Marijuana-Infused Products Manufacturing Facility											P	P		Per PD Approval	(qq)
<u>Microbusiness Marijuana Wholesale Facility</u>											<u>P</u>	<u>P</u>	<u>P</u>		(<u>qq</u>)
...															

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.

...

(qq) *Primary use of land and buildings: Marijuana facilities.* Pursuant to Article XIV of the Missouri Constitution the following types of marijuana facilities have been authorized: medical and comprehensive marijuana cultivation facilities, medical and comprehensive marijuana dispensary facilities, medical and comprehensive infused product manufacturing facilities, microbusiness marijuana dispensary facilities, microbusiness marijuana wholesale facilities, and marijuana testing facilities ~~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, microbusiness 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 ~~all-a-medical~~ marijuana dispensary facilities ~~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 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 _____ day of _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor