

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LAMAR, MISSOURI, BY ADDING LANGUAGE TO PERMIT MEDICAL MARIJUANA FACILITIES IN CERTAIN DISTRICTS AND BY ADDING ADDITIONAL REGULATIONS APPLICABLE TO THE SAME, INCLUDING A 1,000 FOOT BUFFER ZONE. THE PLANNING AND ZONING COMMISSION RECOMMENDED THAT THE CITY APPROVE THE PROPOSED AMENDMENTS AS HEREIN PROVIDED.

WHEREAS, Ordinance 1523, known as “the Zoning Ordinance of the City of Lamar, Missouri”, (hereinafter the “Zoning Ordinance”), was adopted for the purpose of promoting the public health, safety, comfort, morals, convenience and general welfare of the City; and

WHEREAS, the voters of the State of Missouri approved an amendment to Article XVI of the Missouri Constitution establishing a Right to Access Medical Marijuana and allowing for the limited legal production, distribution, sale and purchase of marijuana for medical use; and

WHEREAS, the City desires to amend the Zoning Ordinance to clarify regulations regarding medical marijuana in accordance with the purposes of the Missouri Constitution; and

WHEREAS, the City desires to protect the public health and safety by establishing reasonable regulations on medical marijuana related businesses regarding noise, air quality, neighborhood safety, security and other health and safety concerns; and

WHEREAS, in accordance with procedures established in the Zoning Ordinance and Chapter 89 of the Revised Statutes of Missouri, proceedings were initiated to amend the Zoning Ordinance as hereinafter set forth; and

WHEREAS, public notice was given by publication in the Lamar Democrat on July 10, 2019, a newspaper having a general circulation in the City of Lamar, Missouri, that a public hearing of the Zoning and Planning Commission would take place on July 25, 2019 at 5:15 P.M., where the Planning and Zoning Commission of said City would consider the aforesaid amendments; and

WHEREAS, on July 25, 2019, at 5:15 P.M., the Zoning and Planning Commission did conduct said public hearing, and did evaluate the proposed amendments to the Zoning Ordinance; and

WHEREAS, at said public hearing, the Planning and Zoning Commission did conclude and recommend to the Board of Aldermen that the hereinafter described amendments to the Zoning Ordinance should be approved.

NOW, THEREFORE, **BE IT ORDAINED** by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. Section 2 of Article 2, “Definitions,” of the Zoning Ordinance of the City of Lamar, Missouri (the “Zoning Ordinance”) is hereby amended by adding the following definitions as subparts, which subparts shall hereafter read as follows:

Medical Marijuana Cultivation Facility. A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility or a Medical Marijuana Infused Products Manufacturing

Facility.

Medical Marijuana Dispensary Facility. A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, another licensed Dispensary Facility, a licensed Testing Facility or a licensed Manufacturing Facility.

Medical Marijuana Facility. A Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Products Manufacturing Facility, Medical Marijuana Testing Facility or Medical Marijuana Transportation Facility.

Medical Marijuana Infused Products Manufacturing Facility. A facility licensed by the State of Missouri 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 State of Missouri to acquire, test, certify and transport marijuana.

Medical Marijuana Transportation Facility. A facility certified by the Missouri Department of Health and Senior Services to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility or another medical marijuana-transportation facility.

Qualifying Patient. A Missouri resident diagnosed with at least one qualifying medical condition.

Other than as specifically set forth hereinabove, all other definitions and subparts of Section 2 of Article 2, "Definitions," of the Zoning Ordinance shall be unaffected by this amendment and shall remain in full force and effect.

Section 2. Section 1 (Use Table) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by adding the following permitted uses:

- Medical Marijuana Cultivation Facility
- Medical Marijuana Dispensary Facility
- Medical Marijuana Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility
- Medical Marijuana Transportation Facility.

Section 3. Section 1 (Use Table) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by permitting the following uses in C-1 (General Commercial District) zoning district:

- Medical Marijuana Dispensary Facility.

Section 4. Section 1 (Use Table) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by permitting the following uses in M-1 (Business Park District) and M-2 (Heavy

Industrial District) zoning districts:

Medical Marijuana Cultivation Facility
Medical Marijuana Infused Products Manufacturing Facility
Medical Marijuana Testing Facility
Medical Marijuana Transportation Facility.

Section 5. Section 2 (Use Standards) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by adding a new Subsection BB, "Medical Marijuana Facilities," which subsection shall hereafter read as follows:

BB. Medical Marijuana Facilities

- (1) **Buffer Requirement.** No medical marijuana facility shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day care center or church. In the case of a freestanding facility, the distance between the facility and the school, daycare or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare or church to the closest point of the property line of the school, daycare or church. 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. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
- (2) **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (3) **Onsite Usage Prohibited.** No marijuana may be smoked, ingested or otherwise consumed on the premises of a medical marijuana facility.
- (4) **Dispensary Hours of Operation.** No sales or distribution of marijuana shall occur upon the premises of medical marijuana dispensary facilities, or by delivery to or from the premises of medical marijuana dispensary facilities, between the hours of 10:00 p.m. and 8:00 a.m.
- (5) **Certain Facilities Closed to the Public.** Medical marijuana cultivation facilities, medical marijuana infused products manufacturing facilities and medical marijuana testing facilities shall be closed to the public.
- (6) **Display of Licenses Required.** The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (7) **Residential Dwelling Unit Prohibited.** No medical marijuana facility shall be located in a building that contains a residence.
- (8) **Ventilation Required.** All medical marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the facility. No odors shall be detectable by a person with a normal sense of smell

outside the boundary of the parcel on which the facility is located.

- (9) Compliance with State Regulations: All medical marijuana facilities shall, at all times, be in compliance with all regulations of, and regulations hereafter established by, the Missouri Department of Health and Senior Services applicable to such medical marijuana facilities.

Section 6. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws and the Constitution of the State of Missouri.

Section 7. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected that it cannot be presumed that the Board of Aldermen would not have enacted such provisions without the others.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Board of Aldermen by a vote of

_____ in favor

_____ against

_____ abstained

and **APPROVED** by the Mayor of the City of Lamar, Missouri, this 30th day of July, 2019.

By _____
KENT M. HARRIS, Mayor

ATTEST:

By _____
BEV BAKER, City Clerk