



10/5/2023

To: Sam Anselm, City Administrator
Allison Skinner, City Clerk

From: Dustin Harrison, Building Official/Zoning Administrator.

Re: Chapter 50 Marijuana facilities

Executive Summary

Council action, approval to amendment Chapter 50 Section 50-442

Discussion

This amendment is being proposed due to a change in legislation allowing recreational marijuana use. The previous chapter only covered the use and facilities of medical marijuana. We have amended the chapter by removing the word “medical” essentially covering any type of use and facility.

Fiscal Impact

N/a

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI TO AMEND AND REPLACE THE FOLLOWING THREE EXISTING SECTIONS OF THE CITY CODE:

CHAPTER 50 - ZONING, ARTICLE III. – DISTRICTS, DIVISION 13. – HEALTHCARE DISTRICT, **SECTION 50-442** Standards for medical marijuana dispensaries, **SECTION 50-443** Standards for medical marijuana-infused products manufacturing facility, and **50-444** Standards for medical marijuana cultivation facilities.

WHEREAS, it has been determined by the City Council of West Plains, Missouri, that the welfare of the residents of the City of West Plains will be promoted by amending and replacing the above sections of the existing City Code of West Plains, Missouri, and

WHEREAS, it is necessary to enact an ordinance amending and replacing the above sections of the existing City Code of West Plains, Missouri, to promote the welfare of the residents of the City of West Plains, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI, THAT THE FOLLOWING SECTIONS OF THE CITY CODE ARE AMENDED AND REPLACED AS FOLLOWS:

Sec. 50-442. - Standards for marijuana dispensaries.

No building shall be constructed, altered or used for a marijuana dispensary without complying with the following regulations of this subchapter:

- (1) *[Distance requirement.]* No marijuana dispensary shall be located within 500 feet of a then existing elementary or secondary school, university, child day care center, park or church*. Said 500 feet shall be measured from the closest property line to property line, as described in the license application.
- (2) *Onsite usage prohibited.* No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana dispensary building at any time.
- (3) *Hours of operation.* All sales or distribution of marijuana and any other products sold to the public through a marijuana dispensary shall take place between the hours of 8:00 a.m. and 10:00 p.m., Monday—Sunday. Marijuana dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the marijuana dispensary may be present in such a facility at any time it is closed to the public.
- (4) *Display of license required.* The marijuana dispensary license issued by the State of Missouri shall be prominently in a highly visible location, easily seen by customers on the dispensary's sales floor.
- (5) *Zoning limitations.* Marijuana dispensaries shall be in any general commercial business district located in the City of West Plains and shall be treated no differently than any business application for a pharmacy, healthcare clinic, dental, or doctor's office, except for the distance restrictions set forth herein.

- (6) *Site plan review.* Any plans for a marijuana dispensary shall meet the standard new construction requirements of all general business and commercial district construction outlined in this chapter and approved subject to the standard procedures of section 40-124 of the City of West Plains general business and commercial zoning code. The city shall not impose any additional requirements in the type of facility described in this section.

Sec. 50-443. - Standards for marijuana-infused products manufacturing facility.

No building shall be constructed, altered or used for a marijuana-infused products manufacturing facility without complying with the following regulations of section 50-443:

- (1) *Distance requirement.* No marijuana-infused products manufacturing facility using any combustible gases or CO² in the extraction process shall be located within 1,000 feet of a then existing elementary or secondary school, university, licensed child day care center, park or church*. Any other marijuana-infused products manufacturing facility may be located in any location where a marijuana dispensary may be located as detailed above. Said 1,000 feet shall be measured from closest property line to property line, as described in the license application.
- (2) *Outdoor operations or storage.* All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten feet in height, not including the razor wire.
- (3) *Onsite usage prohibited.* No marijuana may be smoked, ingested, or otherwise consumed on the premises of any marijuana-infused products manufacturing facility at any time.
- (4) *Hours of operation.* All marijuana-infused products manufacturing facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- (5) *Display of licenses required.* The marijuana-infused products manufacturing facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
- (6) *Site plan review required.* Any plans for a marijuana-infused products facility using combustible gases or CO² in the extraction process shall meet the standard new construction requirements of the "Light Industrial District" outlined in this Title and approved subject to the standard procedures of section 50 of the City of West Plains Code for "Light Industrial Districts" or "Heavy Industrial Districts." The city shall not impose any additional requirements on the type of facility described in this section. Furthermore, this section clarifies that a marijuana-infused products facility may be built in either a "Light Industrial" or "Heavy Industrial District."

Sec. 50-444. - Standards for marijuana cultivation facilities.

No building shall be constructed, altered or used for a marijuana cultivation facility without complying with the following regulations of the heavy industrial district or agricultural and cultivation district or the city Code of West Plains, Missouri.

- (1) *Distance requirement.* No marijuana cultivation facility shall be located within 1,000 feet of a then existing elementary or secondary school, university, state licensed child day-care center, park or church. Said 1,000 feet shall be measured from closest property line to property line, as described in the license application.
- (2) *Outdoor operations or storage.* All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten feet in height, not including the razor wire.
- (3) *Onsite usage prohibited.* No marijuana may be smoked, ingested, or otherwise consumed on the premises of any marijuana cultivation facility at any time.
- (4) *Hours of operation.* All marijuana cultivation facility shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- (5) *Display of licenses required.* The marijuana cultivation facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
- (6) *Site plan review required.* Any plans for an indoor "marijuana cultivation facility" shall meet the standard new construction requirements of the "Heavy Industrial District" outlined in this chapter and approved subject to the standard procedures of section 40-124 of the City of West Code of Ordinances.

"Marijuana cultivation facility" shall meet the standard requirements for of any other crop, except as otherwise set forth herein. The city shall not impose any additional requirements on the type of facility described in this section.

This Ordinance shall be in full force and in effect after the date of its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MICHAEL TOPLIFF, MAYOR

ATTEST:

ALLISON SKINNER, CITY CLERK