P & Z Case 017-19
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-262 ORDINANCE NO

AN ORDINANCE amending Chapter 29-A, the Zoning Code, of the Code of Ordinances of the City of Joplin, Missouri, by amending Appendix A, Land Use Table, by adding language to permit medical marijuana facilities in certain districts.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

WHEREAS, the City of Joplin, Missouri (the "City") is a body corporate, home rule charter city, and political subdivision of the State of Missouri, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, Chapter 29-A, the Zoning Code, of the Code of Ordinances of the City of Joplin, Missouri (the "City Code"), 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 medical use; and

WHEREAS, the City desires to amend Chapter 29-A of the City Code 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 Chapter 29-A of the City Code, and Chapter 89 of the Missouri Revised Statutes, proceeding were initiated to amend Chapter 29-A of the City Code as hereinafter set forth; and

WHEREAS, public notice was given by publication in the Joplin Globe on April 28, 2019, a newspaper having a general circulation in the City of Joplin, Missouri, that public hearing of the Zoning and Planning Commission would take place on May 13, 2019 at 4:00 P.M., where the Zoning and Planning Commission of said City would consider the aforesaid amendments; and

WHEREAS, on May 13, 2019 at 4:00 P.M., the Zoning and Planning Commission did conduct said public hearing, and did evaluate the proposed amendments to Chapter 29-A of the City Code; and

WHEREAS, at said public hearing, the Zoning and Planning Commission did conclude

and recommend to the City Council and the hereinafter described amendments to Chapter 29-A of the City Code should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Section 29A-201, "Definitions," of the Code of the City of Joplin, Missouri (the "City Code") is hereby amended by adding the following definitions as subparts, which subparts shall hereafter read as follows:

"Medical Marijuana Cultivation Facility" means 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" means 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" means a Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Products Manufacturing Facility, or Medical Marijuana Testing Facility.

"Medical Marijuana Infused Products Manufacturing Facility" means 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" means a facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

Other than as specifically set forth hereinabove, all other definitions and subparts of Section 29A-201 of the City Code shall be unaffected by this amendment and shall remain in full force and effect.

Section 2. Section 1 (Use Table), of Appendix A (Land Use Table), of Chapter 29-A (Zoning Code), of the Joplin Code be amended by adding the following uses:

"Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Products Manufacturing Facility, Medical Marijuana Testing Facility."

Section 3. Section 1 (Use Table), of Appendix A (Land Use Table), of Chapter 29-A (Zoning Code), of the Joplin Code be amended by permitting the following uses in AG (Agricultural) Districts:

"Medical Marijuana Cultivation Facility."

Section 4. Section 1 (Use Table), of Appendix A (Land Use Table), of Chapter 29-A (Zoning Code), of the Joplin Code be amended by permitting the following uses in C-2 (Central Business) and C-3 (Commercial) Districts:

"Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility."

Section 5. Section 1 (Use Table), of Appendix A (Land Use Table), of Chapter 29-A (Zoning Code), of the Joplin Code be amended by permitting the following uses in M-2 (Heavy Industrial) Districts:

"Medical Marijuana Cultivation Facility, Medical Marijuana Infused Products Manufacturing Facility."

Section 6. Section 2 (Use Standards) of Appendix A (Land Use Table) of Chapter 29-A (Zoning Code), of the Joplin Code be amended by adding a new Section HH, "Standards for Medical Marijuana Uses," which subsection shall hereafter read as follows:

(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 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) Hours of Operation. All medical marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m.

(5) 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.

(6) Residential Dwelling Unit Prohibited. No medical marijuana facility shall be

located in a building that contains a residence.

(7) 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.

(8) Site Plan Review Required. A site plan meeting the requirements of this Code shall be submitted for review and approval subject to the procedures of Article 22. The site plan shall include a description of the ventilation system to be used to contain odors within the facility.

Section 7. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

Section 8. 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 City Council would not have enacted such provisions without the others.

Section 9. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer,
City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards,
City Attorney