

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES, CITY OF GLADSTONE, MISSOURI REGARDING ZONING OF MARIJUANA FACILITIES TO CONFORM WITH ARTICLE XIV OF THE MISSOURI CONSTITUTION.

WHEREAS, proposed amendments to Sections 7.100.010, 7.168.010, 7.140.010(8), 7.145.010(8), 7.150.010, of the Code of Ordinances, City of Gladstone, Missouri (“Gladstone City Code”) regarding regulation of marijuana facilities in accordance with Article XIV of the Missouri Constitution was submitted by City staff to the Planning and Zoning Commission for consideration; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning and Zoning Commission held a public hearing regarding the proposed amendments on October 2, 2023, and rendered a report to the City Council recommending that the proposed amendments be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the Council held a public hearing regarding the proposed amendments on October 23, 2023; and

WHEREAS, the City Council desires to approve the proposed amendments to Sections 7.100.010, 7.168.010, 7.140.010(8), 7.145.010(8), 7.150.010, of the Gladstone City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 7.100.010 is hereby amended to include the following terms and definitions, replacing existing terms and definitions where inconsistent, all other terms and definitions remain unchanged:

Comprehensive Facility means comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility means a facility licensed by the Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (clones) to a medical facility, comprehensive 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 prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive Marijuana Dispensary Facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or

from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as allowed by applicable law to a qualifying patient or primary caregiver, as defined by law, 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 applicable laws and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical 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, as set forth in Article XIV of the Missouri Constitution and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive Marijuana-Infused Products Manufacturing Facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

Infused preroll means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

Marijuana or marihuana means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana infused products. "Marijuana" or "marihuana" do not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana Facility means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Department of Health and Senior Services, but shall not include a licensed medical facility.

Marijuana-infused products means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana Microbusiness Facility means a facility licensed by the Department of Health and Senior Services as a microbusiness dispensary facility or microbusiness wholesale facility, as defined by law.

Marijuana Testing Facility means a facility certified by the Department of Health and Senior Services to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

Medical Marijuana

Marijuana or Marihuana used for medical purposes as set forth in Article XIV, Section 1, of the Missouri Constitution and the rules promulgated by the Missouri Department of Health and Senior Services.

Medical Marijuana Facility means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in this section.

Medical marijuana cultivation facility means a facility licensed by the Department of Health and Senior Services, to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (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 prerolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana dispensary facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store on site or off site, 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 qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana-infused products manufacturing facility means a facility licensed by the Department of Health and Senior Services, to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

Marijuana testing facility means 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.

Microbusiness Dispensary Facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana infused products, and drug paraphernalia used to administer marijuana as allowed by law to a qualifying patient or primary caregiver, as defined by law, or to a consumer, anywhere on the licensed property or to any address as directed by the qualifying patient, primary caregiver, or consumer and consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness 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 Wholesale Facility means a facility licensed by the Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (clones) and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility’s authority to process marijuana shall include the creation of prerolls and infused prerolls.

Preroll means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

Transportation facility means a facility certified by the Missouri Department of Health and Senior Services to house operations involving the transport of marijuana product to or from a Marijuana Facility or Medical Marijuana Facility; or to a qualifying patient, primary caregiver, or consumer.

SECTION 2. That Title VII, Chapter 168 is hereby amended to read as follows:

Chapter 168. Medical marijuana and marijuana facilities

Sec. 7.168.010. Medical marijuana and marijuana facilities.

The following regulations apply to all Marijuana Facilities and Medical Marijuana Facilities:

- (1) No new medical facility or marijuana facility shall be initially sited within 750 feet of any then-existing elementary or secondary school, child daycare center, or church or within 150 feet of any building containing a residential unit or single family home.

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. If the school, daycare, or church is part of a larger structure,

such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. 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. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

For purposes of this section,

1. A "daycare" means a child-care facility, as defined by RSMo 210.201, or its successor provisions, that is licensed by the state of Missouri.
 2. A "elementary or secondary school" means any public school as defined in RSMo 160.011, or any private school giving instruction in a grade or grades not higher than the 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
 3. A "church" means a permanent building primarily and regularly used as a place of religious worship.
 4. "Then existing" means any school, daycare, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.
- (2) Outdoor operations or storage prohibited. All medical marijuana facilities' and marijuana facilities' operations and all storage of materials, products, or equipment shall be within a fully enclosed building.
 - (3) Onsite usage prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana facility or marijuana facility.
 - (4) Hours of operation. All medical marijuana facilities and 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 7:00 a.m.
 - (5) Residential dwelling units prohibited. No medical marijuana facility or marijuana facility shall be located in a building that contains a residence.
 - (6) Ventilation required. All medical marijuana facilities and 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.

- (7) Security requirements. All medical marijuana facilities and marijuana facilities shall comply with all security requirements set forth and approved by the department of health and senior services and set forth in Article XIV of the Missouri Constitution.
- (8) Signage (outside/inside). All signs must comply with the requirements set forth and approved by the Department of Health and Senior Services. A sign master plan shall be submitted and approved by city staff in accordance with chapter 1600—Signs.
- (9) Occupancy inspection required. All new medical marijuana facilities and marijuana facilities shall obtain a certificate of occupancy prior to operation.
- (10) Lighting (indoor/outdoor). All lighting shall be energy efficient (LED) and in accordance with chapter 181—Outdoor lighting.

SECTION 3. That Title VII, Chapter 140, Section 7.140.010(8) is hereby amended to read as follows:

(8) Medical marijuana dispensary facility, Microbusiness dispensary facility, Comprehensive marijuana dispensary facility.

SECTION 4. That Title VII, Chapter 145, Section 7.145.010(8) is hereby amended to read as follows, with additions in bold underline and deletions with strikethrough notation:

(8) Medical marijuana dispensary facility, Microbusiness dispensary facility, Comprehensive marijuana dispensary facility.

SECTION 5. That Title VII, Chapter 150, Section 7.150.010 is hereby amended to read as follows:

Sec. 7.150.010. Use regulations.

No building, structure, land or premises in a C-4 district shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for the following use:

- (1) C-4A: Businesses commonly known as "miniwarehouses," for the storage of items of personal property in individual storage units.
- (2) Medical marijuana cultivation facility/microbusiness wholesale facility/comprehensive marijuana cultivation facility.
- (3) Medical marijuana testing facility/marijuana testing facility/medical marijuana-infused products manufacturing facility/comprehensive marijuana-infused products manufacturing facility.
- (4) Marijuana transportation facility.

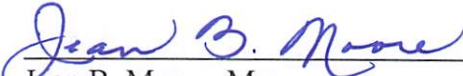
SECTION 6. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 7. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

BILL NO. 23-34


ORDINANCE NO. 4.653

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23RD DAY OF OCTOBER 2023.



Jean B. Moore, Mayor

ATTEST:



Kris Keller, City Clerk

First Reading: October 23, 2023

Second Reading: October 23, 2023



Request for Council Action

RES # City Clerk Only

BILL # 23-34

ORD # 4.653

Date: 10/16/2023

Department: Community Development

Meeting Date Requested: 10/23/2023

Public Hearing: Yes Date: 10/23/2023

Subject: An Ordinance Amending Zoning of Marijuana Facilities to Conform with the Missouri Constitution

Background: Cannabis in Missouri became legal for recreational use in November 2022. The first licensed recreational sales occurred in February 2023. The City of Gladstone needs to update Chapter 168. – Medical Marijuana Ordinance to include comprehensive language that is current with the State of Missouri in regard to recreational marijuana and marijuana facilities. In your packet, you will find two (2) copies of the Ordinance. One copy is red-lined to demonstrate the before and after changes. The other is a clean copy that reflects the updates that conform to the Missouri Constitution. John Mullane, City Attorney, will present and answer any questions regarding the updated changes to the Ordinance for the Planning Commission and City Council.

Budget Discussion: N/A

Public/Board/Staff Input:

Public: No comments from the public.

Board: The Commission voted 8-1 in favor of approving the amendments. One Planning Commissioner abstained from the vote because this person wanted to see a red-lined copy of the before and after changes. City staff has provided that red-lined copy to Planning Commissioners as of October 12, 2023.

Staff/Legal: City Staff and Legal Counsel recommend approval of these changes.

Austin Greer
Department Director/Administrator

JM
City Attorney

BB
City Manager

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES, CITY OF GLADSTONE, MISSOURI REGARDING ZONING OF MARIJUANA FACILITIES TO CONFORM WITH ARTICLE XIV OF THE MISSOURI CONSTITUTION.

WHEREAS, proposed amendments to Sections 7.100.010, 7.168.010, 7.140.010(8), 7.145.010(8), 7.150.010, of the Code of Ordinances, City of Gladstone, Missouri (“Gladstone City Code”) regarding regulation of marijuana facilities in accordance with Article XIV of the Missouri Constitution was submitted by City staff to the Planning and Zoning Commission for consideration; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning and Zoning Commission held a public hearing regarding the proposed amendments on October 2, 2023, and rendered a report to the City Council recommending that the proposed amendments be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the Council held a public hearing regarding the proposed amendments on October 23, 2023; and

WHEREAS, the City Council desires to approve the proposed amendments to Sections 7.100.010, 7.168.010, 7.140.010(8), 7.145.010(8), 7.150.010, of the Gladstone City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 7.100.010 is hereby amended with additions in bold underline and deletions with strikethrough notation as follows, all other terms and definitions remain unchanged:

Comprehensive Facility means comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility means a facility licensed by the Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (clones) to a medical facility, comprehensive 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 prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive Marijuana Dispensary Facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as allowed by applicable law to a qualifying patient or primary caregiver, as defined by law, 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 applicable laws and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical 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, as set forth in Article XIV of the Missouri Constitution and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive Marijuana-Infused Products Manufacturing Facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

Infused preroll means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

Marijuana or marihuana means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three tenths of one percent on a dry weight basis, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana Facility means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Department of Health and Senior Services, but shall not include a licensed medical facility.

Marijuana-infused products means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana Microbusiness Facility means a facility licensed by the Department of Health and Senior Services as a microbusiness dispensary facility or microbusiness wholesale facility, as defined by law.

Marijuana Testing Facility means a facility certified by the Department of Health and Senior Services to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

Medical Marijuana

Marijuana or Marihuana used for medical purposes as set forth in Article XIV, Section 1, of the Missouri Constitution and the rules promulgated by the Missouri Department of Health and Senior Services.

Medical Marijuana Facility means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in this section.

Medical marijuana cultivation facility means a facility licensed by the **Department of Health and Senior Services** department, to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (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 prerolls, but shall not include the manufacture of marijuana-infused products.**

Medical marijuana dispensary facility means a facility licensed by the **Department of Health and Senior Services** department to acquire, **process, package**, store **on site or off site**, 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 qualifying patient, a primary caregiver, **anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana**, another medical marijuana dispensary facility, a ~~medical~~ marijuana testing facility, **a medical marijuana cultivation facility**, or a medical marijuana-infused products manufacturing facility. **Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.**

Medical marijuana-infused products manufacturing facility means a facility licensed by the **Department of Health and Senior Services** department, to acquire, **process, package**, store **on site or off site**, manufacture, transport **to or from**, 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 means a facility **certified** licensed by the **Department of Health and Senior Services** department, to acquire, test, certify, and transport marijuana, **including those originally licensed as a medical marijuana testing facility.**

Microbusiness Dispensary Facility means a facility licensed by the Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (clones), marijuana infused products, and drug paraphernalia used to administer marijuana as allowed by law to a qualifying patient or primary caregiver, as defined by law, or to a consumer, anywhere on the licensed property or to any address as directed by the qualifying patient, primary caregiver, or consumer and consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness 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 Wholesale Facility means a facility licensed by the Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (clones) and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Preroll means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

Transportation facility means a facility certified licensed ~~as such~~ by the Missouri Department of Health and Senior Services **to house operations involving the transport of marijuana product to or from a Marijuana Facility or Medical Marijuana Facility; or to a qualifying patient, primary caregiver, or consumer.** ~~in connection with the transportation and storage of medical marijuana.~~

SECTION 2. That Title VII, Chapter 168 is hereby amended to read as follows, with additions in bold underline and deletions with strikethrough notation:

Chapter 168. Medical marijuana **and marijuana facilities**

Sec. 7.168.010. Medical marijuana **and marijuana facilities.**

~~No medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, medical marijuana infused products manufacturing facility, or transportation facility shall be constructed, altered, or used without complying with the following regulations~~ **The following regulations apply to all Marijuana Facilities and Medical Marijuana Facilities:**

- (1) No **new** ~~medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, medical marijuana infused products manufacturing facility, or transportation~~ **medical facility or marijuana** facility shall be initially sited within 750 feet of any then-existing **elementary or secondary** school, child daycare center, or church or within 150 feet of any building containing a residential unit or single family home. ~~Measurements shall be made in a straight line, without regard to intervening structures;~~

~~from the nearest point of the property line of a school, child daycare center, church, or building containing a residential unit or single family home to the nearest point of the property line containing the medical marijuana business.~~

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. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. 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. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

For purposes of this section,

1. A "daycare" means a child-care facility, as defined by RSMo 210.201, **or its successor provisions**, that is licensed by the state of Missouri.
 2. A "elementary or secondary school" means any public school as defined in RSMo 160.011, or any private school giving instruction in a grade or grades not higher than the 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
 3. A "church" means a permanent building primarily and regularly used as a place of religious worship.
 4. "Then existing" means any school, daycare, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.
- (2) Outdoor operations or storage prohibited. **All medical marijuana facilities' and** marijuana facilities' operations and all storage of materials, products, or equipment shall be within a fully enclosed building.
 - (3) Onsite usage prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a **medical marijuana facility or** marijuana facility.
 - (4) Hours of operation. All **medical marijuana facilities and** 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 7:00 a.m.

- (5) Residential dwelling units prohibited. No medical ~~marijuana business~~ **marijuana facility or marijuana facility** shall be located in a building that contains a residence.
- (6) ~~A medical marijuana testing facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or transportation facility shall be entirely within an enclosed building.~~
- (7) Ventilation required. All **medical marijuana facilities and** marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the ~~business~~**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) Security requirements. All **medical marijuana facilities and** marijuana facilities shall comply with all security requirements set forth and approved by the department of health and senior services **and set forth in Article XIV of the Missouri Constitution**.
- (9) Signage (outside/inside). **All signs must comply with the requirements set forth and approved by the Department of Health and Senior Services**. A sign master plan shall be submitted and approved by city staff in accordance with chapter 1600—Signs.
- (10) Occupancy inspection required. All new **medical marijuana facilities and** marijuana facilities shall obtain a certificate of occupancy prior to operation.
- (11) Lighting (indoor/outdoor). All lighting shall be energy efficient (LED) and in accordance with chapter 181—Outdoor lighting.

SECTION 3. That Title VII, Chapter 140, Section 7.140.010(8) is hereby amended to read as follows, with additions in bold underline and deletions with strikethrough notation:

(8) Medical marijuana dispensary facility, **Microbusiness dispensary facility, Comprehensive marijuana dispensary facility**.

SECTION 4. That Title VII, Chapter 145, Section 7.145.010(8) is hereby amended to read as follows, with additions in bold underline and deletions with strikethrough notation:

(8) Medical marijuana dispensary facility, **Microbusiness dispensary facility, Comprehensive marijuana dispensary facility**.

SECTION 5. That Title VII, Chapter 150, Section 7.150.010 is hereby amended to read as follows, with additions in bold underline and deletions with strikethrough notation:

Sec. 7.150.010. Use regulations.

No building, structure, land or premises in a C-4 district shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for the following use:

- (1) C-4A: Businesses commonly known as "miniwarehouses," for the storage of items of personal property in individual storage units.
- (2) Medical marijuana cultivation facility/**microbusiness wholesale facility/comprehensive marijuana cultivation facility**.
- (3) Medical marijuana testing facility/**marijuana testing facility**/medical marijuana-infused products manufacturing facility/**comprehensive marijuana-infused products manufacturing facility**.

(4) ~~Medical m~~ Marijuana transportation facility.

SECTION 6. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 7. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23RD DAY OF OCTOBER 2023.

Jean B. Moore, Mayor

ATTEST:

Kris Keller, City Clerk

First Reading: October 23, 2023

Second Reading: October 23, 2023

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, October 2nd, 2023
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Gary Markenson
Kate Middleton
Bill Turnage
Mike Ebenroth, Chair
Chase Cookson, Vice Chair
Jennifer McGee
Brenda Lowe, Secretary
Spencer Davis
Steve Beamer

Absent: James New
Cameron Nave
Kim Murch

Council & Staff Present:

John Mullane, City Attorney
Angie Daugherty, Admin. Assistant
Jean B. Moore, Mayor
Alan Napoli, Community Development Administrator/Building Official

Item 2 on the Agenda: Pledge of Allegiance.

Chair Ebenroth led the group in reciting the Pledge of Allegiance to the United States of America.

Item 3 on the Agenda: Approval of the September 5th, 2023 Minutes. Chair Ebenroth asked if there was a motion to approve the minutes from the September 5th meeting.

Mr. Turnage moved to approve the minutes; Mr. Davis seconded. The minutes were approved, 9-0.

Item 4 on the Agenda: Consideration: Marijuana Zoning Amendment. *City Council consideration for this project is scheduled for Monday, October 23, 2023.*

Mr. Mullane stated that cannabis in Missouri became legal for recreational use in November 2022. The first licensed recreational sales occurred in February 2023. The City of Gladstone needs to update Chapter 168. – Medical Marijuana Ordinance to include comprehensive language that is current with the State of Missouri Constitution in regard to recreational marijuana and marijuana facilities.

Mr. Markenson asked how many of these facilities are there in Gladstone.

Mr. Mullane stated that there is currently one facility in Gladstone.

Mr. Markenson asked if usage is prohibited in public.

Mr. Mullane stated that public usage is prohibited subject to the City Council granting a specific license.

Ms. Lowe asked if there was a reason that they didn't have a markup to show exactly what was changed and deleted.

Mr. Mullane stated that he drafted the language and updates that they are seeing now and will certainly include the red-line copy in the City Council packet at the upcoming meeting.

Ms. Lowe stated that it would be helpful. She said she went back to the Gladstone city code and she printed it out. She didn't have the time between when she received the information and this evening to do a comparison. She said it would be helpful to see what was changed if they are talking about amending regulations. She asked if they could get something like that in the future.

Mr. Mullane stated yes, we can provide a red-line copy.

Mr. Cookson asked if there was anything in there that was not directly from the Constitution. He stated that we really don't have a lot of flexibility on what the code will look like.

Mr. Mullane stated that in the Constitution there is a bit of language that says cities cannot expressly prohibit or unduly burden the operation of these facilities through the nature of regulations. He said basically, it is saying you have to permit these in some form or function and that this amendment is to bring our city code in line with the Constitution.

Ms. McGee stated that marijuana facilities are not permitted to be near daycares, schools and churches. She asked if the same restrictions could be applied to parks.

Mr. Mullane stated that they would be running into a legal gray area of what additional things you can rule out. He said they might be able to add it, but based on the Constitution, he is not sure how much you can regulate beyond daycares, schools, and churches.

Mr. Turnage asked how is it monitored or enforced, or if it is on your honor.

Mr. Mullane stated that would be a question for the police department.

Mr. Beamer stated that he works in the industry, and they have regulations that the Department of Health and Senior Services and the Division of State Regulations require that there is signage posted at every facility that prohibits consumption on site. It is the responsibility of the staff at that facility to make sure that no consumer or patient is consuming on site. If they are, then they have to stop it. If they don't stop, staff have to notify police and notify DCR of the violation.

Mr. Ebenroth asked if the rule of firearms not being allowed in a state building could be the same for marijuana facilities.

Mr. Mullane said yes, I believe so.

Ms. Lowe stated that in the future when they are changing regulations or codes, we should have something that is trackable so they know exactly what language is being changed.

Mr. Davis asked if there is anything that is red-lined that he sees that is dramatically different than what is already in the amendment.

Mr. Mullane stated that he didn't make any significant content changes. Simply cleaned up the language, deleted redundancies, and brought the current code into line with the Constitution since the passing of recreational marijuana.

Chair Ebenroth closed the public hearing.

MOTION: By Mr. Markenson, second by Mr. Cookson to approve the Medical Marijuana Amendment.

Vote: Mr. Markenson	Yes
Mr. Turnage	Yes
Ms. Middleton	Yes
Chair Ebenroth	Yes
Ms. McGee	Yes
Mr. Davis	Yes
Mr. Cookson	Yes
Ms. Lowe	Abstained
Mr. Beamer	Yes

The motion carried. (8-1)

Item 5 on the Agenda: Communications from the City Council

Mayor Jean Moore stated that the Site Plan Revision for the gas station and convenience store located at the corner of 72nd Street and Broadway failed at the City Council Meeting by a three-two vote. There are Board and Commission interviews the 13th and 14th of November and if they know of anyone, friends or neighbors, who would like to be on one of the Boards and Commissions, please have them contact Becky Jarrett. Whiskey Fest is taking place this Saturday at Linden Square and it is always a fun event in the City. Also, on November 17th there will be a ribbon cutting for the new Police Headquarters at 10:00 a.m. that morning and everyone is invited.

Ms. Middleton asked Mayor Moore why the vote failed for the Site Plan Revision.

Mayor Moore stated that there was a lot of discussion involved with this site plan and that the residents who spoke at the Planning Commission also spoke at the City Council meeting. I can't speak for all of the City Council people who voted against it, but I think traffic was a primary concern.

Item 6 on the Agenda: Communications from the City Staff

No communications from City Staff.

Item 7 on the Agenda: Communications from the Planning Commission Members

No communications from Planning Commission Members

Item 8 on the Agenda: Adjournment

Chair Ebenroth adjourned the meeting at 7:17 p.m.

Respectfully submitted:

_____ Approved as submitted _____
Mike Ebenroth, Chair

_____ Approved as corrected _____
Angie Daugherty, Recording Secretary