

Meeting Date: 03/18/2019

Item: 1

Report Prepared by: Chayton True, City Planner

Recommended Motion: To approve an Ordinance amending sections of Appendix A – Zoning of the Kirksville City Code of Ordinances allowing Medical Marijuana facilities.

Background: In November of 2018, the voters in Missouri passed Amendment 2, which approved a constitutional amendment approving the use of Medical Marijuana in the state. The Missouri Department of Human and Senior Services will administer Medical Marijuana in the state. With the passage of this amendment, facilities relating to Medical Marijuana are now allowed within the state and Kirksville. Currently, the City of Kirksville is preparing for the possibility of such facilities being located in the City. The responsibility of the Planning and Zoning Commission is to make a recommendation to City Council determining the allowed zones and locations of these facilities, in addition to other use conditions which may be needed. However, the language in Amendment 2 specifically states that any additional conditions for facilities must not be unduly burdensome to their overall operation.

Definitions

In the draft zoning code language, there are six new definitions pertaining to Medical Marijuana and a revision to the definition of “Day Care,” which will be briefly discussed later in the staff report. The Medical Marijuana definitions are taken directly from the language in Amendment 2 to keep consistency with the new law.

Zoning of Facilities

Amendment 2 allows for four main types of Medical Marijuana facilities. These four facilities include: Dispensaries, Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, and Testing Facilities. These facilities are proposed to be allowed in zones where similar businesses and operations are located, which mainly consist of all commercial and industrial zones. Please see the draft Permitted Use Table to identify the Medical Marijuana use and the specific zone it’s proposed to be permitted within.

Additional Conditions

In the language of Amendment 2, the law sets a default maximum distance that Medical Marijuana facilities need to be located from existing elementary or secondary schools, child day-care center, or church. However, the local government can reduce this maximum distance to allow greater options for potential facility locations. In the draft zoning language, it is proposed to allow Dispensaries to locate without a buffer of separation from specific uses, such as an elementary or secondary schools, day care, church, or other building regularly used as a place of religious worship. This is based on the view of the Planning and Zoning Commission that Dispensaries are equal to Pharmacies and Pharmacies are allowed in the community without additional buffers from specific uses. However, the draft language does propose to create a 300 foot buffer between new Medical Marijuana cultivation, manufacturing, and testing facilities and the aforementioned specific uses. This language is similar with the state and city’s liquor licensing, which allows the City Council to prohibit the sale of intoxicating

liquor if the sale can take place within 300 feet of a school, church, or other building regularly used for religious worship. Additionally, conditions are also proposed regarding the use of the word “marijuana” or “cannabis” on signage for such facilities.

Day Cares

Since Amendment 2 specifically mentions Medical Marijuana facilities need to be at a minimum distance away from “Child day-care centers,” our zoning code’s definition of “Day nursery” needs to be updated. The definition only identifies day cares under ten children and does not mention day cares with only ten children. It is proposed to amend the definition to cover all day care facilities licensed by the Missouri Department of Human and Senior Services. All facilities with five or more children are required to obtain a license. Day cares with less than five children can still be licensed, but is not a requirement. Day cares with less than five children, but are still licensed would seem to indicate the day care is legitimate. The proposed amendment to the definition would buffer all legitimate day cares from Medical Marijuana cultivation, manufacturing, and testing facilities.

A public hearing was held by the Planning and Zoning Commission on Wednesday, March 13th. One individual spoke in favor of the zoning code change, while no one spoke against. The Commission voted unanimously (6 to 0) to recommend the proposed zoning code.

Fiscal Impact: The passage of this proposed zoning code language will require revisions to the Kirksville City Code, which has an associated cost. Long term, permitting these facilities in Kirksville has the opportunity to generate increased sales tax income for the City.

Respectfully submitted,



Mari E. Macomber
City Manager