

**NOTICE OF PUBLIC HEARING  
PLANNING AND ZONING COMMISSION  
DIAMONDHEAD, MS**

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is to create Zoning Districts and Use Regulations for Medical Cannabis Facilities. The proposed changes are Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2: Chart of Determinate Uses, Other Non Residential Uses, add “Medical Cannabis Cultivation Facility<sup>17</sup>”, and “Medical Cannabis Processing Facility<sup>17</sup>”, Use by Right in I and not allowed in other zoning classifications; “Medical Cannabis Dispensary Facility<sup>17,18</sup>”, “Medical Cannabis Research Facility<sup>17</sup>” and “Medical Cannabis Testing Facility<sup>17</sup>”, Use by Right in C-1 and C-2 and not allowed in other zoning classifications; “Medical Cannabis Transportation Facility<sup>17</sup>”, Use by Conditional Use in I and not allowed in other zoning classifications; add conditions as note “17” after Table 4.2 “17. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required.” and note “18. No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095.

The Case File Number is 202200359.

In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, August 23, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on:

<https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/featured>

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-242-1613.

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Uses	Zoning Classification										
	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
<b>OTHER NON RESIDENTIAL USES</b>											
Medical Cannabis Cultivation Facility <sup>17</sup>	-	-	-	-	-	-	-	-	R	-	-
Medical Cannabis Dispensary Facility <sup>17,18</sup>	-	-	-	-	-	R	R	-	-	-	-
Medical Cannabis Processing Facility <sup>17</sup>	-	-	-	-	-	-	-	-	R	-	-
Medical Cannabis Research Facility <sup>17</sup>	-	-	-	-	-	R	R	-	-	-	-
Medical Cannabis Testing Facility <sup>17</sup>	-	-	-	-	-	R	R	-	-	-	-
Medical Cannabis Transportation Facility <sup>17</sup>	-	-	-	-	-	-	-	-	C	-	-

**Notes:**

<sup>17</sup> The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required.

<sup>18</sup> No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095.

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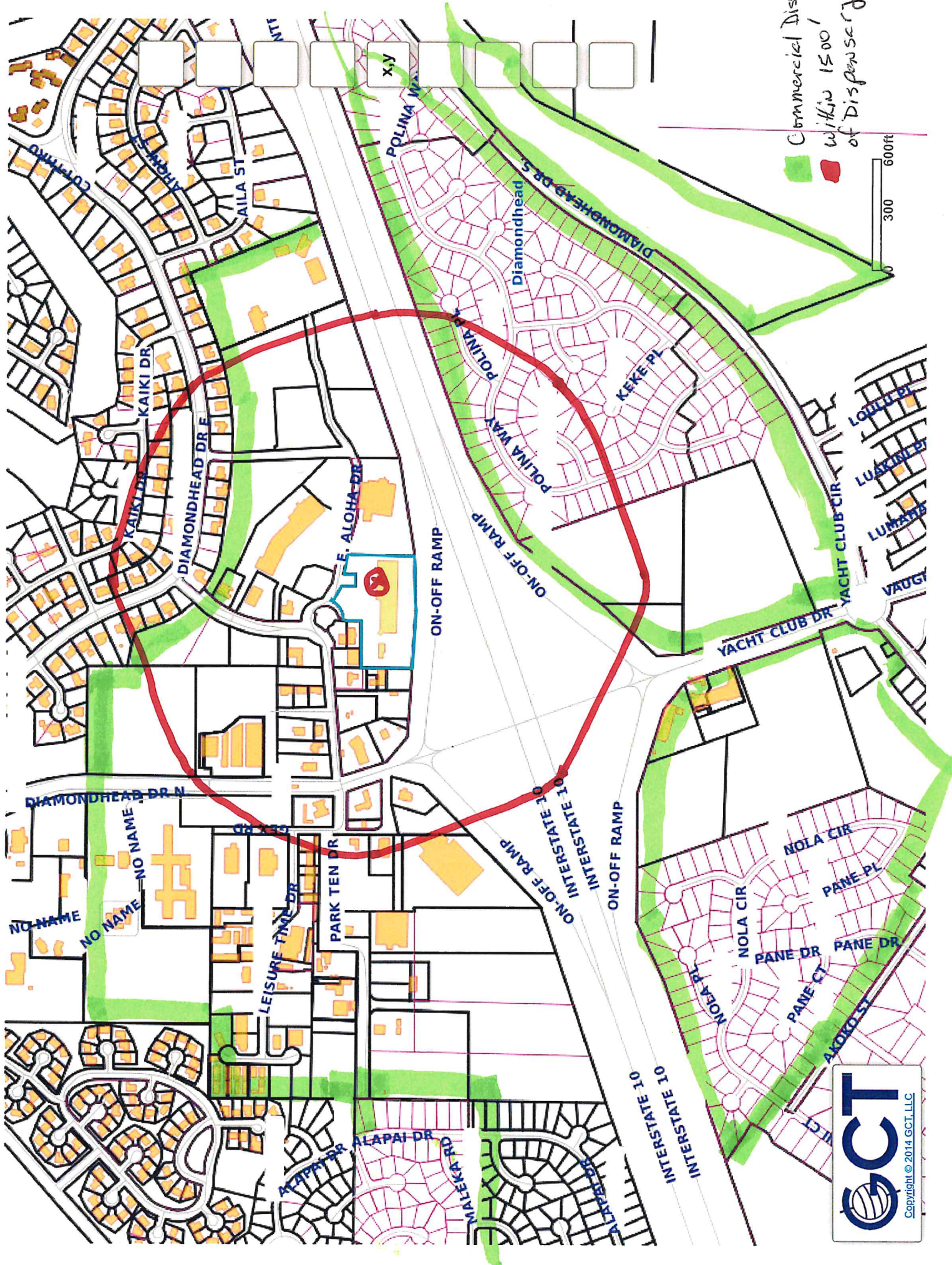
In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

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If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-242-1613.





Commercial Dist.  
 within 1500'  
 of Dispenser



MISSISSIPPI LEGISLATURE

2022 Regular Session

To: Public Health and Welfare

By: Senator(s) Blackwell, Barnett, Butler (36th), Butler (38th), DeLano, Hickman, Horhn, Jackson (11th), Simmons (12th), Simmons (13th)

## Senate Bill 2095

*(As Sent to Governor)*

AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE DEBILITATING MEDICAL CONDITIONS; TO REQUIRE A PATIENT TO RECEIVE A WRITTEN CERTIFICATION FROM A QUALIFIED PRACTITIONER TO QUALIFY FOR A REGISTRY IDENTIFICATION CARD FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE PROCESS BY WHICH A PATIENT MAY REGISTER AS A CARDHOLDER FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE CERTAIN PROTECTIONS TO PATIENTS, CAREGIVERS, MEDICAL PROVIDERS AND MEDICAL CANNABIS ESTABLISHMENTS FOR THE MEDICAL USE OF CANNABIS; TO PROVIDE FOR THE ALLOWABLE AMOUNT OF MEDICAL CANNABIS BY A QUALIFIED PATIENT; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH WILL ISSUE REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO QUALIFYING FACILITIES; TO ALLOW FOR A DEDUCTION FROM INCOME TAXES FOR ALL OF THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A BUSINESS AS A MEDICAL CANNABIS ESTABLISHMENT; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF HEALTH SHALL HAVE THE ULTIMATE AUTHORITY FOR OVERSIGHT OF THE ADMINISTRATION OF THE MEDICAL CANNABIS PROGRAM; TO REQUIRE THE DEPARTMENT OF HEALTH TO LICENSE CANNABIS CULTIVATION FACILITIES, CANNABIS PROCESSING FACILITIES, CANNABIS TRANSPORTATION ENTITIES, CANNABIS DISPOSAL ENTITIES, CANNABIS TESTING FACILITIES AND CANNABIS RESEARCH FACILITIES; TO REQUIRE THE DEPARTMENT OF REVENUE TO LICENSE MEDICAL CANNABIS DISPENSARIES; TO REQUIRE THE DEPARTMENT OF HEALTH TO REGISTER QUALIFIED PRACTITIONERS AND GRANT REGISTRY IDENTIFICATION CARDS TO QUALIFIED PATIENTS AND DESIGNATED CAREGIVERS; TO PROVIDE FOR A STATEWIDE SEED-TO-SALE TRACKING SYSTEM; TO PROVIDE FOR DEADLINES FOR THE IMPLEMENTATION OF THE PROGRAM; TO PROVIDE FOR CERTAIN LIMITATIONS OF THE APPLICATION OF THE ACT; TO PROVIDE THAT THE ACT DOES NOT AUTHORIZE ANY INDIVIDUAL TO ENGAGE IN NOR PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR CERTAIN ACTS RELATED TO THE USE OF MEDICAL CANNABIS; TO PROVIDE THAT CERTAIN DISCRIMINATORY ACTS AGAINST MEDICAL CANNABIS CARDHOLDERS ARE PROHIBITED; TO PROVIDE FOR PROCESS OF THE ADDITION OF DEBILITATING MEDICAL CONDITIONS BY THE DEPARTMENT OF HEALTH; TO PROVIDE THAT NOTHING IN THE ACT PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MEDICAL CANNABIS IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF MEDICAL CANNABIS; TO PROVIDE THAT NOTHING IN THE ACT REQUIRES A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MEDICAL CANNABIS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO PROVIDE ANNUAL REPORTS TO THE GOVERNOR

AND CERTAIN MEMBERS OF THE LEGISLATURE; TO REQUIRE THE DEPARTMENT OF HEALTH TO MAINTAIN A CONFIDENTIAL LIST OF REGISTRY IDENTIFICATION CARDS; TO REQUIRE CERTAIN NOTIFICATIONS FROM QUALIFYING PATIENTS; TO PROVIDE FOR THE FEES FOR LICENSES OF MEDICAL CANNABIS ESTABLISHMENTS; TO ALLOW MUNICIPALITIES AND COUNTIES TO ENACT ORDINANCES OR REGULATIONS NOT IN CONFLICT WITH THE ACT; TO PROHIBIT MEDICAL CANNABIS ESTABLISHMENTS FROM BEING LOCATED WITHIN 1,000 FEET OF THE NEAREST BOUNDARY LINE OF ANY SCHOOL, CHURCH OR CHILD CARE FACILITY UNLESS IT HAS RECEIVED A WAIVER; TO PROVIDE CERTAIN REQUIREMENTS, PROHIBITIONS AND PENALTIES FOR MEDICAL CANNABIS ESTABLISHMENTS; TO PROVIDE THAT NO MEDICAL CANNABIS ESTABLISHMENT SHALL SELL CANNABIS FLOWER OR TRIM THAT HAS A POTENCY OF GREATER THAN 30% TOTAL THC; TO REQUIRE ALL MEDICAL CANNABIS PRODUCTS TO CONTAIN A NOTICE OF HARM REGARDING THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE WEEKLY AND MONTHLY ALLOWABLE AMOUNT OF MEDICAL CANNABIS; TO PROVIDE THE POSSESSION LIMIT OF MEDICAL CANNABIS FOR RESIDENT AND NONRESIDENT CARDHOLDERS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO ESTABLISH AND PROMULGATE RULES AND REGULATIONS RELATING TO THE PROGRAM; TO ESTABLISH VIOLATIONS RELATED TO THE USE OF MEDICAL CANNABIS AND THE PROGRAM; TO PROVIDE FOR FINES, SUSPENSIONS AND REVOCATIONS FOR VIOLATIONS OF THE ACT; TO PROVIDE THAT BANKS SHALL NOT BE HELD LIABLE FOR PROVIDING FINANCIAL SERVICES TO A MEDICAL CANNABIS ESTABLISHMENT; TO IMPOSE AN EXCISE TAX ON MEDICAL CANNABIS CULTIVATION FACILITIES AT A RATE OF 5% OF THE SALE PRICE OF CANNABIS TRIM OR CANNABIS FLOWER; TO REQUIRE DISPENSARIES TO COLLECT AND REMIT THE SALES TAX LEVIED IN SECTION 27-65-17(1) (a) FROM THE GROSS PROCEEDS OF EACH SALE OF MEDICAL CANNABIS; TO ALLOW THE GOVERNING AUTHORITIES OF MUNICIPALITIES AND BOARD OF SUPERVISORS OF COUNTIES TO OPT OUT OF ALLOWING THE PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE ACT; TO PROVIDE FOR THE REFERENDUM PROCESS FOR A MUNICIPALITY OR COUNTY TO OPT INTO ALLOWING THE CULTIVATION, PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS IN A MUNICIPALITY OR COUNTY THAT HAS OPTED OUT; TO PROVIDE FOR THE JUDICIAL REVIEW FOR THOSE AGGRIEVED BY A FINAL DECISION OR ORDER RELATED TO THE MEDICAL CANNABIS PROGRAM; TO REQUIRE ALL FINES AND FEES COLLECTED BY THE DEPARTMENT OF HEALTH AND DEPARTMENT OF REVENUE TO BE DEPOSITED INTO THE STATE GENERAL FUND; TO ESTABLISH A MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO TEMPORARILY EXEMPT ACQUISITIONS OF INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES MADE BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT, FROM MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES PROCUREMENT LAWS, RULES, AND REGULATIONS; TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH, STATE DEPARTMENT OF REVENUE, AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE MEDICAL MARIJUANA PROGRAM ESTABLISHED UNDER THIS ACT; TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERM

1000' ft.

Sales Tax

DEFINITION OF THE TERM "PRIVATE COMPANY" UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT; TO AMEND SECTION 57-69-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "MINORITY BUSINESS ENTERPRISE" AND "MINORITY BUSINESS ENTERPRISE SUPPLIER" UNDER THE MISSISSIPPI MINORITY BUSINESS ENTERPRISE ACT; TO AMEND SECTION 57-71-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF PRIVATE COMPANY; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS AUTHORIZED BY SUCH SECTION; TO AMEND SECTION 57-80-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE GROWTH AND PROSPERITY ACT; TO AMEND SECTION 57-85-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "PROJECT" AND "RURAL BUSINESS" UNDER THE MISSISSIPPI RURAL IMPACT ACT; TO AMEND SECTION 57-91-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO AMEND SECTION 57-117-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HEALTH CARE INDUSTRY FACILITY" AND "QUALIFIED BUSINESS" UNDER THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AMEND SECTION 57-119-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FROM THE GULF COAST RESTORATION FUND FOR PROJECTS THAT ARE MEDICAL CANNABIS ESTABLISHMENTS OR PROJECTS RELATED TO MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HIGH ECONOMIC BENEFIT PROJECT" AND "PRIVATE COMPANY" UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTIONS 69-2-11 AND 69-2-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE TO MEDICAL CANNABIS ESTABLISHMENTS UNDER THE MISSISSIPPI FARM REFORM ACT OF 1987; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
MISSISSIPPI:

**SECTION 1. Title.** This chapter shall be known and may be cited as the "Mississippi Medical Cannabis Act."

**SECTION 2. Definitions.** For purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings ascribed herein:



(a) "Allowable amount of medical cannabis" means an amount not to exceed the maximum amount of Mississippi Medical Cannabis Equivalency Units ("MMCEU").

(b) "Bona fide practitioner-patient relationship" means:

(i) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner, within his or her scope of practice, has completed an in-person assessment of the patient's medical history and current mental health and medical condition and has documented their certification in the patient's medical file;

(ii) The practitioner has consulted in person with the patient with respect to the patient's debilitating medical condition; and

(iii) The practitioner is available to or offers to provide follow-up care and treatment to the patient.

(c) "Cannabis" means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts.

Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

(d) "Cannabis cultivation facility" means a business entity licensed and registered by the Mississippi Department of

Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

(e) "Cannabis disposal entity" means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

(f) "Cannabis processing facility" means a business entity that is licensed and registered by the Mississippi Department of Health that:

(i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;

(ii) Possesses cannabis with the intent to manufacture a cannabis product;

(iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

(g) "Cannabis products" means cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD)

except those products excluded from control under Sections 41-29-113 and 41-29-136.

(h) "Cannabis research facility" or "research facility" means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

(i) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

(j) "Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

(k) "Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered

(b) The involvement of the Mississippi Band of Choctaw Indians or any entity owned or operated by the Mississippi Band of Choctaw Indians as an owner or co-owner of such license, provided that such license shall be subject to revocation for material noncompliance with this chapter on the same basis as any other license.

(20) A cannabis processing facility that produces edible cannabis products shall hold a permit to operate as a food establishment and shall comply with all applicable requirements for food establishments as set by the MDOH.

(21) Denial of an application or renewal is considered a final MDOH or MDOR action, subject to judicial review in accordance with Section 31 of this act.

**SECTION 19. Local ordinances.** (1) A municipality or county may enact ordinances or regulations not in conflict with this chapter, or with regulations enacted under this chapter, governing the time, place, and manner of medical cannabis establishment operations in the locality. A municipality or county may establish penalties for violation of an ordinance or regulation governing the time, place and manner of a medical cannabis establishment that may operate in the municipality or county.

(2) No municipality or county may prohibit dispensaries either expressly or through the enactment of ordinances or regulations that make their operation impracticable in the jurisdiction. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000)

feet of the nearest property boundary line of any school, church or child care facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church or child care facility and by applying for a waiver with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility.

(3) A dispensary, cannabis research facility or cannabis testing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as agricultural or industrial or for which agricultural or industrial use is otherwise authorized or not prohibited, provided that it being there does not violate any other provision of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that the municipality or county has authorized the entity to be located in such area and that it being there does not violate any other provision of this chapter. The municipality or county may authorize this by

granting a variance to an existing zoning ordinance or by adopting a change in the zoning ordinance that allows for those entities to be located in specific commercial areas.

(4) A municipality or county may require a medical cannabis establishment to obtain a local license, permit or registration to operate, and may charge a reasonable fee for the local license, permit or registration, provided that this fee is consistent with fees charged to businesses that are not involved in the cannabis industry.

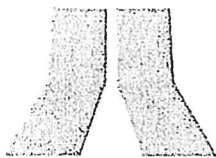
(5) No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary. If the sole basis of denial by the licensing agency in refusing to issue the medical cannabis dispensary a license to operate is that the dispensary fails the distance requirement of this subsection (5), then the licensing agency may refund all or part of the license application fee in Section 18(5) of this act to the applicant.

**SECTION 20. Requirements, prohibitions and penalties.**

(1) Medical cannabis establishments shall conduct a background check into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at or for the medical cannabis establishment.

(2) A medical cannabis establishment may not employ any person who:

City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525



Office 228-222-4626  
Fax 228-222-4390  
www.Diamondhead.ms.gov

APPLICATION FOR ZONING CHANGE

*Text Amendment*

CASE NO. 2022 00359

DATE 7/20/22

APPLICANT: City of Diamondhead / Ronald Jones, BO.

APPLICANT'S ADDRESS: 5000 DH Circle

APPLICANT'S TELEPHONE: (HOME) \_\_\_\_\_ (WORK) 228-222-4626

PROPERTY OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

TAX ROLL PARCEL NUMBER: N/A

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: N/A

ZONING CHANGE (FROM) N/A (TO) \_\_\_\_\_

STATE PURPOSE OF REZONING: Text Amendment to add Medical Cannabis Uses Regulations + Zoning Districts

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Zoning Change in the City of Diamondhead, I (we) understand the following:

The application fee of ~~\$600.00~~<sup>200.00</sup> must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a change on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on August, 23, 2022 at 6:00 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

[Signature]  
Signature of Applicant

N/A  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

- ~~NA~~ <sup>200.00</sup> ( ) \$600.00
- ( ) Copy of Deed, Lease or Contract
- ( ) Site Plan
- ( ) Parking Spaces
- ( ) List of Property Owners NA ( )

- ( ) Application Signed
- ( ) Written Project Description
- ( ) Drainage Plan NA ( )
- ( ) Notarized Statement NA ( )



7/19/22

utility easement on the front of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The physical address is 87120 Highpoint Dr.; parcel number 067K-2-36-216.001. (Levy)

7. **2022-258:** Motion to adopt Resolution 2022-050 finding and determining that the Resolution declaring intent of the Diamondhead City Council to either issue General Obligation Bonds of the City, Issue a General Obligation Bond of the City for Sale the the Mississippi Development Bank or enter into a loan with the Mississippi Development Bank, all in the aggregate principal amount of not to exceed \$6,000,000 and adopted on June 7, 2022, was published as required by Law, that no petitions or other objections of any kind or character against the issuance of General Obligation Bonds of the city, or the Issuance of a Qualified Obligation Bond of the City for purchase by the Mississippi Development Bank or for the City to borrow funds by entering in to a loan with the Mississippi Development Bank, all described in said resolution was filed, and authorizing said bonds and loan to be issued or entered into, as the case may be.
8. **2022-260:** Motion to adopt Resolution 2022-051 authorizing application to Mississippi Development Authority for FY22 Gulf Coast Restoration Fund project funding.

#### Consent Agenda:

9. **2022-247:** Motion to accept FY21 Audit Engagement Letter with Necaise & Company.
10. **2022-248:** Motion to approve payment to Machado Patano in the amount of \$1,462.50 for professional services relating to the Hilo Way Drainage Project.
11. **2022-249:** Motion to approve payment to Digital Engineering for professional services in the amount of \$1,160.00 for GIS Maintenance, \$3,187.50 Paving Phase 4 and \$1,917.50 for Beaux Vue Phase 2 Drainage.
12. **2022-250:** Motion to approve the Memorandum of Understanding with the Mississippi Department of Marine Resources for FY22 GOMESA Funding Award.
13. **2022-252:** Motion to approve payment to Compton Engineering in the amount of \$2,777.50 for professional services relating to Anahola and Hana Place Drainage.
14. **2022-257:** Motion to approve payment to Rostan Solutions in the amount of \$4,427.50 for professional services for the period June 1 - 30, 2022 relating Grant Administration DR4576 (Zeta).

#### Action Agenda.

15. **2022-246:** Motion to approve Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.
16. **Motion 2022-255:** Motion to authorize the Planning Commission to publish and hold a public hearing for the purpose of creating zoning districts and use regulations for Medical Cannabis facilities. *Approved if -* *Approved ?*
17. **2022-256:** Motion to accept the form of the FY23 Budget (department level), set the public hearing for August 23, 2022 and approve the advertisement providing public notice of same.
18. **2022-259:** Motion to authorize the Planning Commission to hold a public hearings to consider a Text Amendment to the Zoning Ordinance and/or Subdivision Regulations to require a specified number of home designs. *Approved 5-0*

# The Sea Coast Echo

POST OFFICE BOX 2009  
BAY SAINT LOUIS, MS 39521-2009

## PROOF OF PUBLICATION

STATE OF MISSISSIPPI  
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State, GEOFF BELCHER, General Manager of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 weeks to-wit:

On the 3 day of August 2022

On the \_\_\_\_\_ day of \_\_\_\_\_ 2022

On the \_\_\_\_\_ day of \_\_\_\_\_ 2022

On the \_\_\_\_\_ day of \_\_\_\_\_ 2022



General Manager

Sworn to and subscribed before me A NOTARY PUBLIC



This 3 day of August 2022



### NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMISSION DIAMONDHEAD, MS

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is to create Zoning Districts and Use Regulations for Medical Cannabis Facilities. The proposed changes are Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2: Chart of Determinate Uses, Other Non Residential Uses, add "Medical Cannabis Cultivation Facility17", and "Medical Cannabis Processing Facility17", Use by Right in I and not allowed in other zoning classifications; "Medical Cannabis Dispensary Facility17,18", "Medical Cannabis Research Facility17" and "Medical Cannabis Testing Facility17", Use by Right in C-1 and C-2 and not allowed in other zoning classifications; "Medical Cannabis Transportation Facility17", Use by Conditional Use in I and not allowed in other zoning classifications; add conditions as note "17" after Table 4.2 "17. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required." and note "18. No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095.

The Case File Number is 202200359. In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council

on Text Amendments and Rezoning. The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on Tuesday, August 23, 2022, at 6:00 p.m. The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on: <https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/> featured. If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-242-1613. Publish Dates: Aug. 3, 2022