

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 65 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO MARIJUANA FACILITIES, MEDICAL MARIJUANA FACILITIES AND PERSONAL CULTIVATION OF MARIJUANA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That Chapter 65, Article I, Section 65-2, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended by **ADDING** the following definitions to read as follows:

**“Sec. 65-2. Definitions.**

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*Club.* Any place, location, building, or portion thereof, or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose whose access is limited to registered members and their guests, but is not necessarily for profit or to render a service which is customarily carried on as a business.

*Comprehensive facility.* A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

*Comprehensive marijuana cultivation facility.* A facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as 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 pre-rolls, but shall not include the manufacture of marijuana-infused products.

*Comprehensive marijuana dispensary facility.* A facility licensed by the State of Missouri 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 chapter to a qualifying patient or primary caregiver, as those terms are defined in this chapter, 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 this chapter 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 provided for in general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of pre-rolls.

*Comprehensive marijuana-infused products manufacturing facility.* A comprehensive marijuana-infused products manufacturing facility means a facility licensed by the State of Missouri to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, pre-rolls, and infused pre-rolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

*Consumer.* Consumer means a person who is at least twenty-one years of age.

*Daycare.* Daycare means a child-care facility, as defined by section 210.201, RSMo, or successor provisions, that is licensed by the State of Missouri

*Daycare or childcare center, state licensed.* Any place, home, or institution which is licensed by the State of Missouri as a family child care home, group child care home, or child care facility, as defined by section 210.201, RSMo, or successor provisions,

*Entity.* Entity means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

*Flowering plant.* Flowering plant means a marijuana plant from the time exhibits the first signs of sexual maturity through harvest.

*Infused pre-roll.* Infused pre-roll 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 pre-rolls may not include a filter or crutch at the base of the product.

*Marijuana accessories.* Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

*Marijuana consumption lounge.* Any place, location, building, or portion thereof, or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose whose access is limited to registered members and their guests which is not necessarily for profit or to render a service which is customarily carried on as a business.

*Marijuana facility.* A comprehensive or medical marijuana cultivation facility, comprehensive or medical marijuana dispensary facility, comprehensive or medical marijuana testing facility, comprehensive or medical marijuana-infused products manufacturing facility, comprehensive or medical storage or transportation facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State of Missouri.

*Marijuana microbusiness facility.* Marijuana microbusiness facility means a facility licensed by the State of Missouri as a microbusiness dispensary facility or microbusiness wholesale facility, as defined by the State of Missouri.

*Marijuana testing facility.* A marijuana testing facility means a facility certified by the State of Missouri to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

*Marijuana transport or storage facility.* A marijuana transport or storage facility means a facility certified by the State of Missouri to transport or store marijuana or marijuana-infused products.

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

*Microbusiness dispensary facility.* Microbusiness dispensary facility means a facility licensed by the State of Missouri 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 to a consumer, qualifying patient, as that term is defined in this chapter, or primary caregiver, as that term is defined in this chapter, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and consistent

with the limitations of this chapter and by law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness dispensary facility's authority to process marijuana shall include the creation of pre-rolls.

*Microbusiness wholesale facility.* A microbusiness wholesale facility means a facility licensed by the State of Missouri 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 (also known as 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 pre-rolls and infused pre-rolls.

*Medical use.* Medical use means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

*Nurse practitioner.* An individual who is licensed and in good standing as an advanced practice registered nurse, or successor designation, under Missouri law.

*Physician.* An individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

*Physician or nurse practitioner certification.* A document, whether handwritten, electronic, or in another commonly used format, signed by a physician, or a nurse practitioner and stating that, in the physician's or nurse practitioner's professional opinion, the patient suffers from a qualifying medical condition as defined by the State of Missouri.

*Pre-roll.* A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Pre-rolls may or may not include a filter or crutch at the base of the product.

*Primary caregiver.* An individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under the requirements of the State of Missouri.

*Qualifying patient.* An individual diagnosed with at least one qualifying medical condition under the requirements of the State of Missouri."

Section 2. That Chapter 65, Article I, Section 65-2, of the Code of Ordinances of the City of Jackson, Missouri is hereby amended to read as follows:

**“Sec. 65-2. Definitions.**

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*Church.* A permanent building primarily and regularly used as a place of religious worship.

*Daycare or childcare center.* Any place, home, or institution which receives five (5) or more children under the age of seventeen (17) years and not of common parentage for care apart from their natural parents, legal guardians, or custodians when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, organized, operated, or approved under the laws of this state; custody of children fixed by a court of competent jurisdiction; children related by blood or marriage within the third degree of the custodial person; or to churches or other religious or public institutions while their parents or legal guardians are attending services, meetings or classes, or are engaged in church activities.

*Marijuana or marihuana.* 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 does not include industrial hemp containing a crop wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one (0.3) percent on a dry weight basis as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

*Marijuana-infused products.* Marijuana-infused products means products that are infused, dipped, coated, sprayed, or mixed 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, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused pre-rolls.

*Medical marijuana cultivation facility.* Medical marijuana cultivation facility means a facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), to a medical marijuana dispensary facility, to a 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 pre-rolls but shall not include the manufacture of marijuana-infused products.

*Medical marijuana dispensary facility.* Medical marijuana dispensary facility means a facility licensed by the State of Missouri 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 chapter 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, or to 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 pre-rolls, but shall not include the manufacture of marijuana-infused products.

*Medical marijuana-infused products manufacturing facility.* Medical marijuana-infused products manufacturing facility means a facility licensed by the State of Missouri 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, to a medical marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

*Medical marijuana testing facility.* Medical marijuana testing facility means a facility certified by the State of Missouri to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility."

Section 3. That Chapter 65, Article I, Section 65-4, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**"Sec. 65-4. - A-1 Agricultural district regulations.**

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*(1) Use regulations.*

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- b. Agricultural crops including field crops, berry and bush crops, vine crops, and truck gardening, including indoor or outdoor medical

marijuana cultivation facilities, comprehensive marijuana cultivation facilities, and microbusiness wholesale facilities in compliance with Sec. 65-32.

- f. Storage of grain, hay, or other crop products, including unprocessed marijuana in compliance with Sec. 65-32.
  
- l. Nurseries and greenhouses, for growing or propagation of plants, turf, trees, and shrubs, including medical marijuana cultivation facilities, comprehensive marijuana cultivation facilities, and microbusiness wholesale facilities in compliance with Sec. 65-32.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-4, Subparts (1) b., f. and l. have been modified.**

Section 4. That Chapter 65, Article I, Section 65-5, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-5. - R-1 Single-family residential district regulations.**

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- g. Agricultural uses including only gardening, flower gardening, non-commercial greenhouses, and the raising and housing of farm animals in accordance with chapter 7, excluding marijuana cultivation facilities.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-5, Subparts (1) g. has been modified.**

Section 5. That Chapter 65, Article I, Section 65-6, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-6. - R-2 Single-family residential district regulations.**

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- h. Agricultural uses including only gardening, flower gardening, non-commercial greenhouses, and the raising and housing of farm animals in accordance with chapter 7, excluding marijuana cultivation facilities.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-6, Subparts (1) h. has been modified.**

Section 6. That Chapter 65, Article I, Section 65-7, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-7. - R-3 One- and two-family residential district regulations.**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- j. Agricultural uses including only gardening, flower gardening, non-commercial greenhouses, and the raising and housing of farm animals in accordance with chapter 7, excluding marijuana cultivation facilities.
- l. Fraternal organizations and other private clubs, excepting those whose chief activity is a service customarily carried on by a business, and excluding marijuana consumption lounges and marijuana clubs.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-7, Subparts (1) j. and l. have been modified.**

Section 7. That Chapter 65, Article I, Section 65-8, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-8. - R-4 General residential district regulations.**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- n. Agricultural uses including only gardening, flower gardening, non-commercial greenhouses, and the raising and housing of farm animals in accordance with chapter 7, excluding marijuana cultivation facilities.

- p. Fraternal organizations and other private clubs, excepting those whose chief activity is a service customarily carried on by a business, and excluding marijuana consumption lounges and marijuana clubs.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-8, Subparts (1) n. and p. have been modified.**

Section 8. That Chapter 65, Article I, Section 65-10, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-10. - O-1 Professional office district regulations.**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- n. Agricultural uses including only gardening, flower gardening, non-commercial greenhouses, and the raising and housing of farm animals in accordance with Chapter 7, excluding marijuana cultivation facilities.
- p. Fraternal organizations and other private clubs, excepting those whose chief activity is a service customarily carried on by a business, and excluding marijuana consumption lounges and marijuana clubs.
- u. Professional services and offices; including medical, dental, and other health-related services; legal, engineering, surveying, architectural, research, accounting, and planning services, including medical marijuana dispensaries in compliance with Sec. 65-32, but excluding animal hospitals and animal clinics.
- y. Restaurants, cafeterias, gift shops, magazine stands, drugstores, medical prescriptions centers, and medical marijuana dispensaries in compliance with Sec. 65-32, will be permitted, provided they are operated as an accessory use to and located within a permitted use of the O-1 professional office district and further provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such building.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-10, Subparts (1) n., p., u., and y. have been modified.**

Section 9. That Chapter 65, Article I, Section 65-11, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-11. - C-1 Local commercial district regulations.**

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- p. Agricultural uses including only gardening, flower gardening, commercial or noncommercial greenhouses, plant shelters, nurseries, roadside stands or markets, the raising and housing of farm animals in accordance with chapter 7, indoor medical marijuana cultivation facilities, comprehensive marijuana cultivation facilities, and microbusiness wholesale facilities in compliance with Sec. 65-32.
- r. Fraternal organizations and other private clubs, excluding adult entertainment, but including marijuana consumption lounges and marijuana clubs in compliance with Sec. 65-32, with a special use permit only.
- y. Retail food stores, including grocery stores, meat markets and delicatessens, ice-cream or candy stores, and bakeries with baking and processing for retail trade on the premises only.
- z. Drugstores and medical prescriptions centers, including medical marijuana dispensaries, comprehensive marijuana dispensaries, and microbusiness marijuana dispensaries in compliance with Sec. 65-32.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-11, Subparts (1) p., r., y. and z. have been modified.**

Section 10. That Chapter 65, Article I, Section 65-12, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-12. - C-2 General commercial district regulations.**

(1) *Use regulations.* A building or premises shall be used only for the following purposes:

\*\*\*

- p. Agricultural uses including only gardening, flower gardening, commercial or noncommercial greenhouses, plant shelters, nurseries, roadside stands or markets, and the raising and housing of farm animals in accordance with chapter 7, indoor medical marijuana cultivation facilities, indoor comprehensive marijuana cultivation facilities, and indoor microbusiness wholesale facilities in compliance with Sec. 65-32.

- z. Drugstores and medical prescriptions centers, including medical marijuana dispensaries, comprehensive marijuana dispensaries, and microbusiness medical marijuana dispensaries in compliance with Sec. 65-32.
- ww. The following uses when located fifty (50) feet or more from any residential district (as measured to the property lines) and separated from an adjacent residential district by a privacy fence:
  - 25. Wholesale or distributing establishment or warehouse or wholesale market, including marijuana storage facilities and marijuana transportation facilities in compliance with Sec. 65-32.
  - 35. Marijuana dispensaries in compliance with Sec. 65-32.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-12, Subparts (1) p., z., ww. and its subsection 25. have been modified. Subpart (1) ww. 35. has been added.**

Section 11. That Chapter 65, Article I, Section 65-13, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-13. - C-3 Central business district regulations.**

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:

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- o. Agricultural uses including only gardening, flower gardening, commercial or noncommercial greenhouses, plant shelters, nurseries, roadside stands or markets, and the raising and housing of farm animals in accordance with chapter 7, excluding marijuana cultivation facilities.
- y. Drugstores and medical prescriptions centers, including marijuana dispensaries in compliance with Sec. 65-32.
- rr. The following uses when located fifty (50) feet or more from any residential district (as measured to the property lines) and separated from an adjacent residential district by a privacy fence:
  - 25. Wholesale or distributing establishment or warehouse or wholesale market, excluding marijuana storage facility and marijuana transportation facility.

27. Experimental, film, or testing laboratory, excluding marijuana testing facility.

31. Marijuana dispensaries in compliance with Sec. 65-32.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-13, Subparts (1) o., y., rr. and its subsection 25. have been modified. Subpart (1) rr., subsection 31. has been added. Subpart (1) rr., subsection 31. should be renumbered as 32.**

Section 12. That Chapter 65, Article I, Section 65-15, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-15. - CO-1 Enhanced commercial overlay district regulations**

- (1). *Use regulations.* A building or premises shall be used only for the following purposes:

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- b. In addition to special use permit requirements in the underlying districts, the following uses shall also require a special use permit:

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7. Medical and comprehensive marijuana cultivation facilities and marijuana microbusiness wholesale facilities in compliance with Sec. 65-32.
8. Medical and comprehensive marijuana manufacturing facilities in compliance with Sec. 65-32.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-15, Subparts (1) b. 7. and b. 8. have been added. There are now two subparts numbered (1) b. 7. Please renumber the original (1) b. 7. as the last subpart, (1) b. 9.**

Section 13. That Chapter 65, Article I, Section 65-16, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-16. - I-1 Light industrial district regulations.**

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(1) *Use regulations.* All uses permitted herein shall not be obnoxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise, or vibrations beyond the confines of the premises. A building or premises shall be used only for the following purposes:

- o. Drugstores and medical prescription centers, including marijuana dispensaries in compliance with Sec. 65-32
- ii. Greenhouse, plant shelter, or nursery, excluding marijuana cultivation facility.
- jj. The following uses when located not less than fifty (50) feet from any residential district (as measured to the property line):

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25. ~~Wholesale or distributing establishment or warehouse or wholesale market.~~

35. Warehouse, wholesale merchandise, or distributing establishment, including marijuana transportation and storage facility in compliance with Sec. 65-32.

37. Experimental, film, or testing laboratory, including marijuana testing facility in compliance with Sec. 65-32.

44. The manufacture, compounding, processing, packaging, or storage of such goods, materials, and products as the following:

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v. Marijuana-infused products manufacturing facility in compliance with Sec. 65-32.

49. Freight, transportation facility, including marijuana storage and transportation facility in compliance with Section 65-32.

51. Research, design and development firms, experimental or testing laboratory, including marijuana testing facility in compliance with Sect. 65-32.

56. Marijuana consumption lounges and marijuana clubs in compliance with Sec. 65-32 with a special use permit only.

57. Any other light industrial use of a similar character which is not specifically permitted herein, with a special use permit only and

only when such use is consistent with the intent and purpose of the I-1 Light industrial district.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-16, the following:**

**Subpart (1) o. has been modified;**

**Subpart (1) ii. has been modified;**

**Subpart (1) jj., subsection 25. has been deleted and remaining paragraphs should be renumbered accordingly;**

**Subpart (1) jj., subsection 35. has been modified and should be renumbered;**

**Subpart (1) jj., subsection 37. has been modified and should be renumbered;**

**Subpart (1) jj., subsection 44. has added subsection v. and should be renumbered;**

**Subpart (1) jj., subsection 49. has been modified and should be renumbered;**

**Subpart (1) jj., subsection 51. has been modified and should be renumbered;**

**Subpart (1) jj. has added subsection 56. and the last remaining subsection should be renumbered accordingly.**

Section 14. That Chapter 65, Article I, Section 65-17, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-17. - I-2 Heavy industrial district regulations. \*\*\***

- (1) *Use regulations.* All uses permitted herein shall not be obnoxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise, or vibrations beyond the confines of the premises. A building or premises shall be used only for the following purposes:

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- n. ~~Restaurants, cafeterias, gift shops, magazine stands, drugstores, and medical prescriptions centers will be permitted, provided they are operated as an accessory use to and located within a permitted use of the I-2 Heavy Industrial district and further provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such building.~~
- p. Drugstores and medical prescriptions centers, including medical marijuana dispensaries in compliance with Sec. 65-32.

hh. Greenhouse, plant shelter, or nursery, excluding marijuana cultivation facility.

ii. The following uses when located not less than fifty (50) feet from any residential district (as measured to the property line) and separated by a privacy fence:

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25. Wholesale or distributing establishment or warehouse or wholesale market, including marijuana transportation and storage facility in compliance with Sec. 65-32.

35. ~~Experimental, film, or testing laboratory.~~

42. The manufacture, compounding, processing, packaging, or storage of such goods, materials, and products as the following:

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viii. Marijuana-infused products manufacturing facility in compliance with Sec. 65-32.

43. ~~Warehouse storage or distributing facility, including wholesale storage.~~

44. Freight, transportation storage, and trucking yard or terminal, including marijuana storage and transportation facility in compliance with Sec. 65-32.

46. Research, design and development firms, experimental, film, or testing laboratory, including marijuana testing facility in compliance with Sec. 65-32.

61. Farming and farming associated agricultural uses, including marijuana cultivation facility in compliance with Sec. 65-32.

63. ~~Warehouse storage or distributing facility, including wholesale storage.~~

mm. Marijuana consumption lounges and marijuana clubs, in compliance with Sec. 65-32 with a special use permit only."

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-17, the following:**

**Subpart (1) p. has been modified;**

**Subpart (1) hh. has been modified;**  
**Subpart (1) ii., subsection 25. has been modified;**  
**Subpart (1) ii., subsection 35. has been deleted and the remaining subsections should be renumbered accordingly;**  
**Subpart (1) ii., subsection 42. has been modified by adding subsection viii.;**  
**Subpart (1) ii., subsection 43. has been deleted and the remaining subsection should be renumbered accordingly;**  
**Subpart (1) ii., subsection 44. has been modified;**  
**Subpart (1) ii., subsection 46. has been modified;**  
**Subpart (1) ii., subsection 61. has been modified;**  
**Subpart (1) ii., subsection 63. has been deleted and the remaining subsection should be renumbered accordingly;**  
**Subpart (1) mm. has been added.**

Section 15. That Chapter 65, Article I, Section 65-20, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-20. – Accessory building, use, and structure regulations.**

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(11) Personal cultivation of marijuana. The personal cultivation of marijuana shall be a permitted accessory use in all zoning districts, when in compliance with state law.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-20, a Subpart (11) has been added.**

Section 16. That Chapter 65, Article I, Section 65-32, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

**“Sec. 65-32. - Marijuana.**

(1) No new marijuana cultivation facility, marijuana dispensary facility, marijuana-infused products manufacturing facility, marijuana testing facility, marijuana transportation / storage facility, marijuana consumption lounge or marijuana club may not be located within five hundred (500) feet of a previously existing church, public or private school, or state-licensed daycare measured by the following methods:

- a. 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.

- b. In the case of a school, daycare, or church that 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.
  - c. 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.
  - d. All measurements shall be made along the shortest path between the demarcation points that can be lawfully travelled on foot.
- (2) The personal cultivation of marijuana shall be a permitted in all zoning districts in accordance with Missouri state law.”

**NOTE TO CODIFIER: Please note in Chapter 65, Article I, Section 65-32 the Subpart is deleted and in its place have been added subpart (1) and its subsections a., b., c. and d., and subpart (2).**

Section 17. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 18. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 19. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 20. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: March 20, 2023.

SECOND READING: March 20, 2023

PASSED AND APPROVED this 20th day of March, 2023, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_  
nays, \_\_\_\_\_ abstentions and \_\_\_\_\_ absent.

(SEAL)

CITY OF JACKSON, MISSOURI

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk