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Text Amendments to the Development Code of the City of Tupelo, MS to enact legislation as passed by SB2095, the Mississippi Medical Cannabis Act of 2022 is as follows:

**CHAPTER 2**

1. Will amend the following definition (bold sections are additions to existing content, underlined sections below amended as deletions):

*AGRICULTURAL USES:* Land used as pasture or in the commercial production of crops, horticultural products, fish hatcheries or aquaculture. Also for the purposes of this Code, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, goats, sheep and swine; however, residential uses are permitted up to ten hens for personal use. Also included in this definition of agricultural uses are agricultural accessory buildings and sales of agricultural products grown or raised on the premises. The commercial slaughtering of animals is not included as an agricultural use. **Medical cannabis micro-cultivation, cultivation, processing, and micro-processing are also included as agricultural use. See Section 11.9.1**

*CANOPY* – A structure constructed of rigid materials, including but not limited to metal, wood, concrete, plastic, canvas or glass, which is attached to an supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground. **See CANOPY SPACE, Section 11.9.1.10.**

*DRUG STORE OR PHARMACY WITH DRIVE THROUGH SERVICE* – A freestanding establishment including one (1) or more drive through lanes for customer service that is engaged in the retail sale of prescription drugs, non-prescription medicines, cosmetics, and related supplies. See Section 11.9.1.13

*Amended as:*

***DRUG STORE OR PHARMACY (WITH OR WITHOUT DRIVE-THROUGH SERVICE)*** – an establishment engaged in the retail sale of prescription drugs, non-prescription medicines, cosmetics, and related supplies. **Medical cannabis dispensaries are included as a drug store or pharmacy. See Section 11.9.1.13**

*MANUFACTURING, LIGHT* – The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health and safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place. Such use shall occur entirely within a building, and the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing shall not exceed twenty-five percent (25%) of the floor area of all buildings on the lot. This shall not include uses that constitute heavy manufacturing, resource extraction or recycling and salvage operations **but will include cannabis micro-processing and processing facilities, including collocated cultivation and processing facilities. See Section 11.9.1**

2. Will amend the section to include the following definitions:

*CHURCH* – facility for religious worship and related religious activities, including, but not limited to funeral homes or correctional facility with a chapel or other facility primarily used for religious services. See *PROTECTED PLACES*, Section 11.9.1.16

*CHILD CARE FACILITY* - A place which provides shelter and personal care for six or more children who are not related within the third degree computed according to the civil law to the operator and who are

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under 13 years of age, for any part of the twenty-four hour day, whether such place be organized or operated for profit or not, including but not limited to day care centers, child care centers, preschool programs, or after school programs whose activities are aimed at providing services primarily for children. See *PROTECTED PLACES*, Section 11.9.1.16

*CORRECTIONAL FACILITY* – a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court for violation of a criminal statute or ordinance. See *PROTECTED PLACES*, Section 11.9.1.16

*FUNERAL HOME* – or funeral parlor, a building or structure with facilities for the preparation of dead persons for burial or cremation, for the viewing of the body or for funeral or other related religious services. See *PROTECTED PLACES*, Section 11.9.1.16

*MEDICAL CANNABIS ESTABLISHMENT* - a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency. See Section 11.9.1

*RESEARCH AND DEVELOPMENT FACILITY*: A facility that engages in research, or research and development, of innovative ideas in medical, optical, scientific, photographic processing facilities, or technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use. Such use is primarily the research, testing and development of goods, materials, foodstuffs or products, including cannabis research and testing facilities. See Section 11.9.1.6 and 11.9.1.7

*TRUCKING COMPANY* – a company engaged in or transacting the business of transporting freight, merchandise, or other property for hire, including cannabis transportation entities. See Section 11.9.1.8.

*SCHOOL* - "School" means an institution for the teaching of children, consisting of a physical location, whether owned or leased, including instructional staff members and students, and which is in session each school year. This definition shall include, but not be limited to, public, private, church and parochial programs for kindergarten, elementary, junior high and high schools. Such term shall not mean a home instruction program. See *PROTECTED PLACES*, Section 11.9.1.16

*WASTE RELATED SERVICE FACILITY* – facility in which services for the provision of collection, transport, disposal, and/or treatment of waste are provided for hire, including cannabis disposal entities but not including facilities for the handling of hazardous waste. See Section 11.9.1.3

#### **CHAPTER 4**

1. Amend Table 4.3 Table of Uses to include the following:

See attached table.

2. Amend Agricultural/Open Uses

##### 4.6.6.1 Uses By Right – A/O

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- (1) **Cannabis Cultivation Facility, Tier 1-2**
  - (2) **Cannabis Cultivation and Processing Facility, Tier 1-2**
  - (3) **Cannabis Micro-Processing Facility**
  - (4) **Cannabis Micro-Cultivation Facility**
  - (5) **Cannabis Processing Facility**
  - (6) Detached Dwelling
  - (7) Day Care Home, Small
  - (8) Farm
  - (9) Farmers Market
  - (10) Forestry
  - (11) Golf Course and/or Country Club
  - (12) Golf Driving Range
  - (13) Home Occupation
  - (14) Park and/or Open Space
  - (15) Recreation Facility, Outdoor
  - (16) Satellite Dish Antennae
  - (17) Swimming Pool
  - (18) Utility, Minor

#### 4.6.6. Uses by Flexibility A/O

- (1) Airport
- (2) Animal Shelter
- (3) Broadcasting Facility, Radio and/or Television
- (4) **Cannabis Cultivation Facility, Tier 3-6**
- (5) **Cannabis Cultivation and Processing Facility, Tier 3-6**
- (6) Congregate Living 3x
- (7) Correctional Facility
- (8) Firing Range, Outdoor
- (9) Lifecare Community
- (10) Manufactured or Mobile Home Subdivision
- (11) Resource Extraction
- (12) Telecommunications Tower

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(13) Veterinarian Clinic with Outdoor Kennel

x Congregate Living structures or facilities of any classification may not be located less than 2,500 feet from an existing use of the same classification. (1) Accessory Dwelling Unit (ADU)

3. Amend Uses of Mixed-Use Commercial Corridor District (MUCC)

4.11.5.1. Uses by Right – MUCC - 1

- (1) Accessory Dwelling Unit (ADU).
- (2) Townhouse.\*
- (3) Upper-Story Residential Unit.
- (4) Bed and Breakfast.
- (5) Medical Cannabis Research Facility**
- (6) Medical Cannabis Testing Facility**
- (7) Conference Center.
- (8) Congregate Living 1.\*
- (9) Congregate Living 2.\*
- (10) Convenience Store with Fuel Sales.
- (11) Day Care Center.
- (12) Day Care Home, Small.
- (12.1) Day Care Home, Large.
- (13) Drug Store or Pharmacy**
- (14) Educational Facility, College or University.
- (15) Educational Facility, K-12.
- (16) Financial Establishment.
- (17) Funeral Home.
- (18) Government Facility.
- (19) Home Business.
- (20) Home Occupation.
- (21) Hospital.
- (22) Hotel or Motel.
- (23) Library.
- (24) Medical Cannabis Dispensary**
- (25) Museum.
- (26) Nursing Home.

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- (27) Office.
  - (28) Office, Medical.
  - (29) Outdoor Dining.
  - (30) Outdoor Display of Merchandise.
  - (31) Outdoor Display of Plants.
  - (32) Outdoor Storage.
  - (33) Park and/or Open Space.
  - (34) Passenger Terminal.
  - (35) Place of Assembly and/or Worship.
  - (36) Public Safety Station.
  - (37) Recreation Facility, Indoor.
  - (38) Restaurant with Drive-Through Service.
  - (39) Restaurant without Drive-Through Service.
  - (40) Retail Sales and/or Service.
  - (41) Satellite Dish Antennae.
  - (42) Social and/or Community Service.
  - (43) Swimming Pool.
  - (44) Trade Market Facility.

\* Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\* Congregate Living structures or facilities of any classification may not be located less than 2,500 feet from an existing use of the same classification.

#### 4.11.5.2 Uses by Right MUCC - 2

- (1) Accessory Dwelling Unit (ADU).
- (2) Townhouse.\*
- (3) Upper Story Residential Unit.
- (4) Billboard Replacement.\*\*
- (5) Car Wash Facility.
- (6) Conference Center.
- (7) Congregate Living 1.\*
- (8) Congregate Living 2.\*x
- (9) Convenience Store with Fuel Sales.
- (10) Day Care Center.

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- (11) Day Care Home, Small.
  - (12) Day Care Home, Large.
  - (13) Drugstore or Pharmacy with Drive-Through Service.
  - (14) Educational Facility, College or University.
  - (15) Educational Facility, K-12.
  - (16) Financial Establishment.
  - (17) Funeral Home.
  - (18) Government Facility.
  - (19) Home Business.
  - (20) Home Occupation.
  - (21) Hospital.
  - (22) Hotel or Motel.
  - (23) Library.
  - (24) Lifecare Community.\*

**(25) Medical Cannabis Dispensary**

- (26) Museum.
- (27) Nursing Home.
- (28) Office.
- (29) Office, Medical.
- (30) Outdoor Dining.
- (31) Outdoor Display of Merchandise.
- (32) Outdoor Display of Plants.
- (33) Outdoor Storage.
- (34) Park and/or Open Space.
- (35) Passenger Terminal.
- (36) Place of Assembly and/or Worship.
- (37) Public Safety Station.
- (38) Recreation Facility, Indoor.
- (39) Restaurant with Drive-Through Service.
- (40) Restaurant without Drive-Through Service.
- (41) Retail Sales and/or Service.
- (42) Satellite Dish Antennae.

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- (43) Social and/or Community Service Facility.
  - (44) Swimming Pool.
  - (45) Trade Market Facility.
  - (46) Truck Stop.
  - (47) Vehicle Sales and/or Rental.
  - (48) Vehicle Service.

\* Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\* Congregate Living structures or facilities of any classification may not be located less than 2,500 feet from an existing use of the same classification.

\*\* Any existing billboard may be replaced by an electronic graphic display billboard, subject to the size and location standards in Sections 10.7.2. (11) and (12) and to the condition that another billboard be removed and not replaced.

#### 4.11.5.6 Uses by Flexibility MUCC – 2

- (1) Cannabis Research Facility**
- (2) Cannabis Testing Facility**
- (3) Duplex Dwelling.\*
- (4) Patio Home/Zero-Lot-Line Home.\*
- (5) Engine Repair, Large.
- (6) Printing and/or Publishing Facility.
- (7) Self-Serve Storage Facility.
- (8) Telecommunications Tower.

\* Permitted by flexibility if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR.

### 3. Amend Uses of Mixed-Use Employment District (MUE)

#### 4.12.5.1 Uses by Right MUE-1

- (1) Accessory Dwelling Unit (ADU).
- (2) Townhouse.\*
- (3) Upper-Story Residential Unit.\*\*
- (4) Apartment Development.
- (5) Broadcasting Facility, Radio and/or Television.
- (6) Cannabis Processing Facility**
- (7) Cannabis Research Facility**
- (8) Cannabis Testing Facility**
- (9) Conference Center.

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- (10) Congregate Living 1.\*
  - (11) Congregate Living 2.\*
  - (12) Convenience Store with Fuel Sales.\*\*
  - (13) Day Care Center.\*\*
  - (14) Day Care Home, Small.\*
  - (15) Day Care Home, Large.\*
  - (16) Drug Store or Pharmacy**
  - (17) Educational Facility, College or University.
  - (18) Educational Facility, Vocational Training.
  - (19) Financial Establishment.
  - (20) Government Facility.
  - (21) Home Business.
  - (22) Home Occupation.
  - (23) Hospital.
  - (24) Library.
  - (25) Medical Cannabis Dispensary**
  - (26) Nursing Home.
  - (27) Office.
  - (28) Office, Medical.
  - (29) Outdoor Dining.
  - (30) Outdoor Display of Plants.
  - (31) Outdoor Storage.
  - (32) Park and/or Open Space.
  - (33) Passenger Terminal.
  - (34) Place of Assembly and/or Worship.
  - (35) Public Safety Station.
  - (36) Recreation Facility, Indoor.\*\*
  - (37) Research and Development Facility.
  - (38) Restaurant with Drive-Through Service.\*\*
  - (39) Restaurant without Drive-Through Service.\*\*
  - (40) Retail Sales and/or Service.\*\*
  - (41) Satellite Dish Antennae.



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(42) Swimming Pool.

\* Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

\*\* Permitted by right if use is part of a mixed-use that is approximately 75 percent office, medical, and/or educational uses. If use does not meet these standards, it may be permitted as a compatible use.

\* Congregate Living structures or facilities of any classification may not be located less than 2,500 feet from an existing use of the same classification.

4.12.5.2 Uses by Right MUE-2

- (1) Accessory Dwelling Unit (ADU).
- (2) Townhouse.\*
- (3) Upper-Story Residential Unit.\*\*
- (4) Apartment Development.
- (5) Broadcasting Facility, Radio and/or Television.
- (6) Cannabis Disposal Entity**
- (7) Cannabis Micro-cultivation Facility**
- (8) Cannabis Micro-processing Facility**
- (9) Cannabis Processing Facility**
- (10) Cannabis Transportation Entity**
- (11) Conference Center.
- (12) Congregate Living 1.\*
- (13) Congregate Living 2.\*
- (14) Convenience Store with Fuel Sales.\*\*
- (15) Day Care Center.\*\*
- (16) Day Care Home, Small.
- (17) Day Care Home, Large.
- (18) Drug Store or Pharmacy**
- (19) Educational Facility, College or University.
- (20) Educational Facility, Vocational Training.
- (21) Financial Establishment.
- (22) Government Facility.
- (23) Home Business.
- (24) Home Occupation.
- (25) Hospital.
- (26) Library.

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- (27) Lifecare Community.
  - (28) Medical Cannabis Dispensary**
  - (29) Manufacturing, Light.
  - (30) Nursing Home.
  - (31) Office.
  - (32) Office with Storage.
  - (33) Office, Medical.
  - (34) Outdoor Dining.
  - (35) Outdoor Display of Plants.
  - (36) Outdoor Storage.
  - (37) Park and/or Open Space.
  - (38) Passenger Terminal.
  - (39) Place of Assembly and/or Worship.
  - (40) Printing and/or Publishing Facility.
  - (41) Public Safety Station.
  - (42) Recreation Facility, Indoor.\*\*
  - (43) Research and Development Facility.
  - (44) Restaurant with Drive-Through Service.\*\*
  - (45) Restaurant without Drive-Through Service.\*\*
  - (46) Retail Sales and/or Service.
  - (47) Retail Sales Lumber Yard or Building Materials.
  - (48) Satellite Dish Antennae.
  - (49) Self-Serve Storage Facility.
  - (50) Swimming Pool.
  - (51) Trucking Company.
  - (52) Truck Stop.
  - (53) Vehicle Sales and Service.
  - (54) Warehouse and/or Distribution and/or Freight Facility.
  - (55) Waste-Related Service Facility.
  - (56) Wholesale Facility.

\* Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

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\*\* Permitted by right if use is part of a mixed-use that is approximately 75 percent office, medical, and/or educational uses. If use does not meet these standards, it may be permitted as a compatible use.

\* Congregate Living structures or facilities of any classification may not be located less than 2,500 feet from an existing use of the same classification.

#### 4.12.5.3 Uses by Compatibility MUE-1

- (1) Cannabis Disposal Entity**
- (2) Cannabis Transportation Entity**
- (3) Educational Facility, K-12.
- (4) Hotel or Motel.
- (5) Lifecare Community
- (6) Manufacturing, Light.
- (7) Office with Storage.
- (8) Parking Facility, Off-Site.
- (9) Printing and/or Publishing Facility.
- (10) Social and/or Community Service Facility.
- (11) Telecommunications Facility, Other.
- (12) Trade Market Facility.
- (13) Utility, Minor.
- (14) Veterinarian Clinic without Outdoor Kennel.

\* Permitted by compatibility if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a flexible use.

#### 4.12.5.5 Use by Flexibility MUE-1

- (1) Cannabis Cultivation and Processing Facility**
- (2) Telecommunications Tower.
- (3) Utility, Major.
- (4) Warehouse and/or Distribution and/or Freight Facility.
- (5) Waste-Related Service Facility.
- (6) Wholesale Facility.

#### 4.12.5.6 Uses by Flexibility MUE-2

- (1) Cannabis Cultivation Facility**
- (2) Cannabis Cultivation and Processing Facility**
- (3) Cannabis Research Facility**
- (4) Cannabis Testing Facility**

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- (5) Correctional Facility.
  - (6) Engine Repair, Small.
  - (7) Recycling and/or Salvage Facility.
  - (8) Telecommunications Tower.
  - (9) Utility, Major

#### 4. Amend Uses of Mixed Use Activity Center District (MUAC)

##### 4.13.5.1 – Uses by Right – MUAC-1

- (1) Accessory Dwelling Unit (ADU).
- (2) Duplex Dwelling.\*
- (3) Patio Home/Zero-Lot-Line Home.\*
- (4) Townhouse.\*
- (5) Upper-Story Residential Unit.
- (6) Apartment Development.
- (7) Bed and Breakfast.
- (8) Conference Center.
- (9) Convenience Store with Fuel Sales.
- (10) Day Care Center.
- (11) Day Care Home, Small.
- (12) Day Care Home, Large.
- (13) Drinking Establishment.
- (14) Drug Store or Pharmacy**
- (15) Educational Facility, K-12.
- (16) Educational Facility, College or University.
- (17) Financial Establishment.
- (18) Government Facility.
- (19) Home Business.
- (20) Home Occupation.
- (21) Hospital.
- (22) Hotel or Motel.
- (23) Library.

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**(24) Medical Cannabis Dispensary**

- (25) Museum.
- (26) Nursing Home.
- (27) Office.
- (28) Office, Medical.
- (29) Outdoor Dining.
- (30) Outdoor Display of Merchandise.
- (31) Outdoor Display of Plants
- (32) Outdoor Storage.
- (33) Park and/or Open Space.
- (34) Passenger Terminal.
- (35) Place of Assembly and/or Worship.
- (36) Public Safety Station.
- (37) Recreation Facility, Indoor.
- (38) Restaurant with Drive-Through Service.
- (39) Restaurant without Drive-Through Service.
- (40) Retail Sales and/or Service.
- (41) Satellite Dish Antennae.
- (42) Social and/or Community Service Facility.
- (43) Swimming Pool.
- (44) Veterinarian Clinic without Outdoor Kennel.

\* Permitted by right if located on a local or collector street and if parcel is adjacent to land zoned A/O, LDR, MDR, or MUR. If use does not meet these standards, it may be permitted as a compatible use.

**4.13.5.2 Uses by Right MUAC-2**

- (1) Accessory Dwelling Unit (ADU).
- (2) Upper Story Residential Unit.
- (3) Apartment Development.
- (4) Bed and Breakfast.
- (5) Car Wash Facility.
- (6) Conference Center.
- (7) Convenience Store with Fuel Sales.
- (8) Day Care Center.

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- (10) Day Care Home, Large.
  - (9) Day Care Home, Small.
  - (10) Drinking Establishment.
  - (11) Drug Store or Pharmacy**
  - (12) Educational Facility, K-12.
  - (13) Educational Facility, College or University.
  - (14) Financial Establishment.
  - (15) Government Facility.
  - (16) Home Business.
  - (17) Home Occupation.
  - (18) Hospital.
  - (19) Hotel or Motel.
  - (20) Library.
  - (21) Medical Cannabis Dispensary**
  - (22) Museum.
  - (23) Nursing Home.
  - (24) Office.
  - (25) Office, Medical.
  - (26) Outdoor Dining.
  - (27) Outdoor Display of Merchandise.
  - (28) Outdoor Display of Plants.
  - (29) Outdoor Storage.
  - (30) Park and/or Open Space.
  - (31) Passenger Terminal.
  - (32) Place of Assembly and/or Worship.
  - (33) Public Safety Station.
  - (34) Recreation Facility, Indoor.
  - (35) Restaurant with Drive-Through Service.
  - (36) Restaurant without Drive-Through Service.
  - (37) Retail Sales and/or Service.
  - (38) Satellite Dish Antennae.
  - (39) Social and/or Community Service Facility.

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- (40) Swimming Pool.
  - (41) Vehicle Sales and/or Rental.
  - (42) Vehicle Service.\*\*
  - (43) Veterinarian Clinic without Outdoor Kennel.

\*\* Permitted by right if accessory to a vehicle sales and/or rental vehicle use. Permitted by compatibility as a principal use.

#### 4.13.5.5 Uses by Flexibility – MUAC-1

- (1) Engine Repair, Small.
- (2) Cannabis Research Facility**
- (3) Cannabis Testing Facility**
- (4) Office with Storage.
- (5) Telecommunications Tower.
- (6) Utility, Major.
- (7) Vehicle Sales and/or Rental.
- (8) Vehicle Service.

#### 4.13.5.6 Uses by Flexibility – MUAC-2

- (1) Engine Repair, Small.
- (2) Self-Serve Storage Facility.
- (3) Telecommunications Tower.
- (4) Utility, Major.
- (5) Cannabis Research Facility**
- (6) Cannabis Testing Facility**

### 5. Amend Uses of Regional Commercial District (RC)

#### 4.14.5.1 Uses by Right – RC

- (1) Car Wash Facility.
- (2) Convenience Store with Fuel Sales.
- (3) Drinking Establishment.
- (4) Drug Store or Pharmacy**
- (5) Financial Establishment.
- (6) Home Business.
- (7) Home Occupation.
- (8) Hotel or Motel.

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**(9) Medical Cannabis Dispensary**

- (10) Office.
- (11) Office, Medical.
- (12) Outdoor Dining.
- (13) Outdoor Display of Merchandise.
- (14) Outdoor Display of Plants.
- (15) Outdoor Storage.
- (16) Park and/or Open Space.
- (17) Public Safety Station.
- (18) Recreation Facility, Indoor.
- (19) Restaurant with Drive-Through Service.
- (20) Restaurant without Drive-Through Service.
- (21) Retail Sales and/or Service.
- (22) Retail Sales, Lumber Yard or Building Materials.
- (23) Satellite Dish Antennae.
- (24) Swimming Pool.
- (25) Trade Market Facility.
- (26) Vehicle Sales and/or Rental.
- (27) Vehicle Service.\*

\* Permitted by right if accessory to a vehicle sales and/or rental vehicle use. Permitted by compatibility as a principal use.

4.14.5.3 Uses by Flexibility– RC

**(2) Cannabis Research Facility**

**(3) Cannabis Testing Facility**

6. Amend Uses of Industrial District (I)

4.15.5.1 Uses by Right – I

- (1) Adult Entertainment Establishment.
- (2) Aircraft Sales and/or Service.
- (3) Airport.
- (4) Animal Shelter.
- (5) Asphalt and/or Concrete Plant.

**(6) Cannabis Cultivation Facility**



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- (7) Cannabis Cultivation and Processing Facility**
  - (8) Cannabis Disposal Entity**
  - (9) Cannabis Micro-cultivation Facility**
  - (10) Cannabis Micro-processing Facility**
  - (11) Cannabis Processing Facility**
  - (12) Cannabis Transportation Entity**
  - (13) Car Wash Facility.
  - (14) Convenience Store with Fuel Sales.
  - (15) Correctional Facility.
  - (16) Engine Repair, Small.
  - (17) Engine Repair, Large.
  - (18) Firing Range, Indoor.
  - (19) Junkyard.
  - (20) Manufacturing, Light.
  - (21) Manufacturing, Heavy.
  - (22) Office.
  - (23) Office with Storage.
  - (24) Outdoor Display of Merchandise.
  - (25) Outdoor Display of Plants.
  - (26) Outdoor Storage.
  - (27) Passenger Terminal.
  - (28) Printing and/or Publishing Facility.
  - (29) Public Safety Station.
  - (30) Recycling and/or Salvage Facility.
  - (32) Recycling Drop-Off Facility.
  - (33) Research and Development Facility.
  - (34) Retail Sales, Lumber Yard and/or Building Materials.
  - (35) Satellite Dish Antennae.
  - (36) Self-Serve Storage Facility.
  - (37) Telecommunications Facility, Other.
  - (38) Telecommunications Tower.
  - (39) Trade Market Facility.

- (40) Truck Stop.
- (41) Utility, Minor.
- (42) Utility, Major.
- (43) Vehicle Service.
- (44) Vehicle Wrecker Service.
- (45) Veterinarian Clinic with Outdoor Kennel.
- (46) Warehouse and/or Distribution and/or Freight Facility.
- (47) Waste-Related Service Facility.
- (48) Wholesale Facility.
- (49) Woodworking or Cabinet-Making Facility.

**CHAPTER 5**

- 1. Amend Section 5.3, Table to include:

**\*See Section 11.9, Medical Cannabis Establishments**

**CHAPTER 8**

- 1. Amend off-street parking standards

**8.27.3 Off-Street Parking Standards**

Use Category	Parking Spaces Required
Residential	
Detached Dwelling	2
Accessory Dwelling Unit	1
Manufactured Home Subdivision	2 per home
Duplex/Semi-Attached Unit	2 per unit
Zero-Lot-Line/Patio Home	2
Townhouse	2
Upper-Story Residential Unit	1.5 per one-bedroom unit; 2 per two-bedroom unit; 2.5 per three-bedroom unit
Apartment Development	1.5 per one-bedroom unit; 2 per two-bedroom unit; 2.5 per three-bedroom unit
Non-Residential	
Adult Entertainment Establishment	1 per 100 SF
Aircraft Sales and/or Service	1 per 300 SF
Airport	As approved by the Airport Authority
Animal Shelter	1 per 400 SF
Asphalt and/or Concrete Plant	1 per employee
Congregate Living 2	0.4 per bed
Bed and Breakfast	1 per room plus 2 for owner's residence
Broadcasting Facility, Radio and/or Television	1 per employee
Campground/RV Park	1 per campsite
<b>Cannabis Cultivation Facility</b>	<b>1.5 per 1000 SF</b>

<b>Cannabis Cultivation and Processing Facility</b>	<b>1.5 per 1000 SF</b>
<b>Cannabis Disposal Entity</b>	<b>N/A</b>
<b>Cannabis Micro-Cultivation Facility</b>	<b>1.5 per 1000 SF</b>
<b>Cannabis Micro-Processing Facility</b>	<b>1.5 per 1000 SF</b>
<b>Cannabis Processing Facility</b>	<b>1.5 per 1000 SF</b>
<b>Cannabis Transportation Entity</b>	<b>1 per 1000 SF</b>
<b>Cannabis Research Facility</b>	<b>1 per 500 SF</b>
<b>Cannabis Testing Facility</b>	<b>1 per 500 SF</b>
Car Wash Facility	1 per 300 SF
Cemetery	1 per 5000 SF
Conference Center	1 per 200 SF
Contractor Shop	1 per 1,000 SF
Convenience Store with Fuel Sales	1 per 200 SF. Parking at fuel islands shall be included as parking space
Correctional Facility	1 per 10 prisoners
Crematory	1 per 1000 SF
Day Care Center	1 per .35 per person approved capacity plus drop-off lane with space for 1 vehicle per 8 children
Day Care Home, Large or Small	3 per home plus a drop-off lane for at least 2 cars
Drinking Establishment	1 per 50 SF of floor area for public use or 1 per 2.5 persons in approved occupancy, whichever is greater
Educational Facility, College or University	As approved by the City of Tupelo
Educational Facility, K-12	
a. K-8	2.25 per classroom
b. 9-12	1.2 per classroom plus 1 per 5 students
Educational Facility, Vocational Training	2 per classroom plus 1 for every 3 students at maximum enrollment
Small Engine Repair	1 per 300 SF
Large Engine Repair	1 per employee plus 1 per 500 sq. ft.
Farm	N/A
Financial Establishment	1 per 300 SF
Firing Range	1 per 2 slots
Forestry	N/A
Funeral Home	1 per 4 seats in chapel
Golf Course and/or Country Club	4 per green and 1 per 3 seats in restaurant if applicable
Golf Driving Range	1 per 3 slots
Government Facility	
a. Library	1 per 300 SF
b. City, county, state, or federal government office	1 per 300 SF floor area plus 1 per 3 employees
c. Post Office	1 per 200 SF
Congregate Living 1 or 3	1 per sleeping room plus 1 per 300 SF common area
Home Business	2 for residence plus 1 for business
Home Occupation	N/A
Hotel or Motel	1 per sleeping room plus 1 per 100 SF of restaurant, conference, or lounge area
Manufacturing, Heavy or Light	1.5 per 1000 SF
<b>Medical Cannabis Dispensary</b>	<b>1 per 300 SF</b>
Medical Facility, Hospital	1 per 2 beds
Museum	1 per 500 SF
Office	1 per 400 SF
a. Medical Office	1 per 300 SF

b. Rehabilitation Center	1 per 300 SF
Open Air Market	1 per 200 SF display area
Park and/or Open Space	As approved by the Parks and Recreation Department
Passenger Terminal	1 per 300 SF
Place of Assembly and/or Worship	1 per 2.5 seats
Printing and/or Publishing Facility	1 per 500 SF
Public Safety Station	1 per 500 SF
Public Utility Facility	1 per 500 SF
Railroad Station and/or Yard	1 per 500 SF
Recreation Facility	
a. Theaters and Similar Fixed-Seating Establishments	1 per 4 seats
b. Bowling Alleys	4 per alley/lane
c. Swimming Pool	1 per 75 SF of pool area
d. Race Track	1 per 3 seats
e. Tennis or Racquetball Court	3 per court
f. All Other recreation	1 per 250 SF
Recycling and/or Salvage Facility	1 per 500 SF
Recycling Drop-Off Facility	A drop-off lane for at least 2 cars
Research and Development Facility	1 per 500 SF
Resource Extraction	1 per employee
Restaurant	
Minimum	1 per 250 SF floor area
Maximum	1 per 50 SF
Retail Sales and/or Service	Minimum 1 per 400 SF Maximum 1 per 100 SF Warehouse area 1 per 1000 SF
a. Plant Nursery or Greenhouse	1 per 500 SF
b. Barber or Beauty Shop	2 per employee
c. Furniture, Appliance, Music and Hardware Stores	1 per 400 SF
d. Laundry or dry-cleaning establishments	1 per 300 SF and stacking space for 3 vehicles per drive-in window
e. Lumber Yard or Building Materials	1 per 400 SF
e. Medical Supplies	1 per 300 SF
Self-Serve Storage Facility	1 per 300 SF office area
Social and/or Community Service Facility	1 per 500 SF floor area
Telecommunications Facility, Other	1 per 500 SF
Telecommunications Tower	N/A
Trade Market Facility	1 per 1,000 SF
Trucking Company	1 per 1,000 SF
Utility	1 per 1,000 SF enclosed floor area
Vehicle Sales and/or Rental	1 per 300 SF
Vehicle Service	2 plus 3 per service bay
Veterinarian Clinic	1 per 300 SF plus 1 per 400 SF of proposed outdoor kennel
Warehouse and/or Distribution and/or Freight Facility	1 per 1,000 SF
Waste-Related Service Facility	N/A
Wholesale Facility	1 per 1,000 SF
Woodworking or Cabinet-Making Facility	1 per 500 SF

## CHAPTER 11

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1. Establish Section 11.9 as follows:

**11.9 Medical Cannabis Establishments**

**11.9.1 [Medical Cannabis Establishments; Definitions]**

*MEDICAL CANNABIS ESTABLISHMENT* - a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency. **See Section 2.**

**11.9.1.1 CANNABIS CULTIVATION FACILITY** - 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. Tier 1. A cannabis cultivation facility with a canopy space of not less than two thousand (2,000) square feet but not more than five thousand (5,000) square feet, Tier 2. A cannabis cultivation facility with a canopy space of not less than five thousand (5,000) square feet but not more than fifteen thousand (15,000) square feet; (iii) Tier 3. A cannabis cultivation facility with a canopy space of not less than fifteen thousand (15,000) square feet but not more than thirty thousand (30,000) square feet shall; (iv) Tier 4. A cannabis cultivation facility with a canopy space of not less than thirty thousand (30,000) square feet but not more than sixty thousand (60,000) square feet; Tier 5. A cannabis cultivation facility with a canopy space of not less than sixty thousand (60,000) square feet but not more than one hundred thousand (100,000) square feet; Tier 6. A cannabis cultivation facility with a canopy space of one hundred thousand (100,000) square feet

**11.9.1.2 CANNABIS CULTIVATION AND PROCESSING FACILITY** – any collocated cannabis processing and cannabis cultivation facility or business conducting cultivation and processing of cannabis in a shared location or parcel

**11.9.1.3 CANNABIS DISPOSAL ENTITY** - business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

**11.9.1.1.4 CANNABIS MICRO-CULTIVATION FACILITY** - a business entity that is 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 and, according to the Mississippi Medical Cannabis Act has a canopy space of less than 2,000 square feet according to the following designations: Tier 1. A cannabis cultivation facility with a canopy space of one thousand (1,000) square feet or less (ii) Tier 2. A cannabis cultivation facility with a canopy space of more than one thousand (1,000) square feet but not more than two thousand (2,000) square feet

**11.9.1.5 CANNABIS MICRO-PROCESSING FACILITY** - a business entity that is licensed and registered by the Mississippi Department of Health and adheres to the definition of a cannabis processing facility according to the definition laid out in this code with the exception that less than 3,000 pounds of dried biomass is processed annually according to the following designations set forth by the Mississippi Medical Cannabis Act: Tier 1. A cannabis processing facility which processes less than two thousand (2,000) pounds of dried biomass; Tier 2. A cannabis processing facility which processes not less than two thousand (2,000) pounds but less than three thousand (3,000) pounds of dried biomass cannabis material

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**11.9.1.6 CANNABIS RESEARCH FACILITY** - or "research facility", 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.

**11.9.1.7 CANNABIS TESTING FACILITY** – or “testing facility”, an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

**11.9.1.8 CANNABIS TRANSPORTATION ENTITY** - an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

**11.9.1.9 CANNABIS PROCESSING FACILITY** - 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. Cannabis processing facilities process not less than three thousand (3,000) pounds of biomass cannabis material annually.

**11.9.1.10 CANOPY SPACE** - 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 or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants.

**11.9.1.11 MAIN POINT OF ENTRY** – primary entrance to a building; regarding business establishments the entrance by which customers or guests are primarily led to enter

**11.9.1.12 MEDICAL CANNABIS** - cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided Mississippi Medical Cannabis Act of 2022

**11.9.1.13 MEDICAL CANNABIS DISPENSARY** - or "dispensary" means an entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

**11.9.1.14 PARAPHERNALIA** – any equipment, product or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance

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**11.9.1.15 PUBLIC PLACE** – any are to which the general public is invited or in which the general public is permitted, regardless of the ownership of the area, and any area owned or controlled by a municipality, county, state, or federal government, including, but not limited to streets, sidewalks, or other forms of public transportation. Such term shall not include a private residential dwelling.

**11.9.1.16 PROTECTED PLACE** – a school, church, or childcare facility as defined by this code. **See Section 2**

### **11.9.2 [Sale or distribution]**

As established by the Mississippi Medical Cannabis Act of 2022, medical cannabis establishments (cultivation facilities, cannabis processing facilities, cannabis transportation entities, cannabis disposal entities, cannabis research facilities, and cannabis testing facilities), are such entities issued license by the Mississippi Department of Health and conforming to the Medical Cannabis Act of 2022 and this Development Code to engage in the sale, distribution, transportation, disposal, research, testing, cultivation, and processing of medical cannabis to qualifying entities and individuals.

### **11.9.3 [Distance Requirement]**

#### **11.9.3.1 [Calculation of Measurement]**

Measurements related to this subsection shall be made in a straight line, without regard to intervening objects or structures, from the main point of entry, as defined in this code, of the building or structure used as part of the premises where a medical cannabis establishment is conducted to the nearest property line of the premises of a protected place listed in Subsection 11.9.1.16 above. The presence of a city jurisdictional boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection.

#### **11.9.3.2 [Protected Places]**

Per the Mississippi Medical Cannabis Act of 2022, medical cannabis dispensaries are hereby prohibited from locating within a distance of one thousand (1000) feet from the main point entry of the dispensary to the nearest property boundary of any protected place. As the Mississippi Medical Cannabis Act, Section 19-1, provides that the local municipality may enact ordinances to govern the time, place, and manner of medical cannabis establishment operations, protected places include any school, church, or childcare facility as defined by this code. **See Section 2**

#### **11.9.3.3 [Medical Cannabis Dispensary Distance Requirement]**

No medical cannabis dispensary may be located within 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 two or more Medical Cannabis Dispensaries are within 1,500 feet of one another or area within the same structure or parcel, the adult entertainment establishment that was first established in an otherwise permissible location shall be considered to be a conforming use, and the later-established business shall be considered to be a nonconforming use.

### **11.9.4 [Permitted Uses in Zoning Districts]**

#### **11.9.4.1 [Base Zoning Districts]**

Medical cannabis establishments are subject to allowed zoning and permitted uses as established by Section 4 of this Code

**11.9.4.2 [Mixed Use Downtown Overlay District]**

Medical cannabis establishments to allowed zoning and permitted uses as established by Section 5.3 of this Code and include the following uses by sub-district.

MUD Overlay

Activity	Judicial	City Center	Financial	Coliseum	Gateway	Major Development	Fairgrounds
Medical Cannabis Dispensary	F	F	R	R		R	
Cannabis Research Facility	F	F	R	R		R	
Cannabis Testing Facility	F	F	R	R		R	
Cannabis Micro-processing Facility						R	
Cannabis Processing Facility							
Cannabis Micro-cultivation Facility						R	
Cannabis Cultivation Facility							
Cannabis Cultivation and Processing Facility							
Cannabis Disposal Entity							
Cannabis Transportation Entity			C				

R = use by Right C = use by Compatibility F = use by Flexibility

**11.9.5 [Prohibitions]**

A medical cannabis establishment may not share office space with or refer patients to a practitioner and may not include a drive through, curbside pickup, or delivery services.

**11.9.6 [Signage]**

All medical cannabis establishments are subject to sign regulations as defined by Section 10 of this Code and all provisions for advertising and marketing set forth in the Mississippi Medical Cannabis Act of 2022 and established criteria by the Mississippi State Department of Health as set forth in Title 15, Par 22, Subpart 3. No medical cannabis establishment may advertise or market on posted signage which

- is enlarged so as to violate the provisions of this ordinance
- depicts cartoon or other imagery that would attract or appeal to minors



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- displays paraphernalia or the use of paraphernalia
  - is located in zones where medical cannabis establishments are unable to locate
  - is mobile or provided through unsolicited leaflets, brochures, or handbills
  - is located on public transit, publicly owned property, or within 1,000 feet of protected places
  - is located off-premises of the establishment
  - makes advertised claims which are not backed by research/science or in which sources can be used out of context
  - depicts cannabis consumption or imagery of the cannabis plant, including bud and leaf imagery

**11.9.7 [Variance in distance restrictions.]**

Variance in the distance restrictions may be granted by right only when a medical cannabis establishment has received written approval from the school, church, child care facility, or funeral home, has applied for a waiver with its respective licensing agency, and provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary of any school, church, or child care facility.