

ORDINANCE NO: 3077

**AN ORDINANCE AMENDING CHAPTER 400, THE ZONING CODE, OF THE MUNICIPAL CODE OF THE CITY OF KENNETT ALLOWING COMPREHENSIVE MARIJUANA DISPENSARY FACILITIES IN THE CITY.**

**WHEREAS**, the City of Kennett acknowledges voters passed an Amendment to Article XIV of the Missouri Constitution, known as Constitutional Amendment 2, enabling licensed citizens the right to the use, cultivation, manufacturing, dispensing, testing, transportation, administration and storage of Adult Use Marijuana and Adult Use Marijuana-Infused Products;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNETT, MISSOURI, AS FOLLOWS:**

**Section 1**, That the current "**Chapter 400: Zoning Code**" of the Municipal Code of the City of Kennett is hereby amended by adding the following:

ARTICLE 1. – TITLE, PURPOSE AND DEFINITIONS  
SECTION 400.030: – Definitions.

**"Comprehensive marijuana dispensary facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in section 1 of this Article, 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 Article and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in this Article and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.**

**ARTICLE VI. – “B-2” GENERAL BUSINESS DISTRICT REGULATIONS**

**SECTION 400.310. – USE REGULATIONS**

**15. Comprehensive Marijuana Dispensary Facility, entirely within enclosed building, see Article XXV, Sec. 400.1040 for additional conditions;**

**ARTICLE XXIV. – COMPREHENSIVE MARIJUANA DISPENSARY FACILITIES**

**Sec. 400.1040. – Comprehensive Marijuana Dispensary Facilities**

- (a) Compliance with State Law. Uses shall remain in compliance with Section 1 of Article XIV of the Missouri Constitution.**
  
- (b) Proximity of Facilities. Comprehensive Marijuana Dispensary Facilities are prohibited within set distances listed below from any elementary or secondary school, licensed day care, church, or other building regularly used as a place of religious worship, except when the aforementioned uses establish themselves within the prohibited distance, existing Comprehensive Marijuana Dispensary Facilities may remain.**

**The prohibited distance shall be measured in a straight line from the outer walls of the Comprehensive Marijuana Dispensary Facilities or the edge of the outdoor cultivation site to the outer walls of any elementary or secondary school, licensed day care, church, or other building regularly used as a place of religious worship.**

**The set distances Comprehensive Marijuana Dispensary Facilities need to remain away from any elementary or secondary school, licensed day care, church, or other building regularly used as a place of religious worship shall be as follows:**

  - 1. Comprehensive Marijuana Dispensary Facility: 300 Feet**
  
- (c) Signage. In addition to the sign regulations located in the City of Kennett’s sign code, the following shall apply to signage for Comprehensive Marijuana Dispensary Facilities:**

  - 1. Facilities shall not use signage of advertising with the word “marijuana” or “cannabis” or any other word, phrase or symbol**

**Commonly understood to refer to marijuana unless such word, Phrase or symbol is immediately preceded by the word “medical” in type and font that is a least as readily discernible as all other words, phrases or symbols.**

**Section 2.** All of the modifications to this ordinance shall be effective from and after its date of passage.


**Section 3.** The provisions of this ordinance shall be included and incorporated in the Municipal Code of the City of Kennett, Missouri as an addition or deletion thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**READ TWO TIMES, PASSED, APPROVED AND ADOPTED THIS 21st DAY OF FEBRUARY, 2023.**



Dr. Chancellor Wayne, Mayor

ATTEST

  
Brenda Ellis, City Clerk