

AN ORDINANCE AMENDING CHAPTER 405 UNIFIED DEVELOPMENT CODE SECTIONS 405.500, 405.200, AND 405.205, SUBSECTION EE., OF THE MUNICIPAL CODE OF THE CITY OF OAK GROVE, MISSOURI REGARDING MARIJUANA FACILITIES.

WHEREAS, proposed amendments to Sections 405.500, 405.200, and 405.205, subsection EE, of the Municipal Code of the City of Oak Grove, Missouri (“City Code”) regarding regulation of marijuana facilities in accordance with Article XIV of the Missouri Constitution was submitted by City staff to the Planning and Zoning Commission for consideration; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning and Zoning Commission held a public hearing regarding the proposed amendments on July 5th, 2023, and rendered a report to the Board of Aldermen recommending that the proposed amendments be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held a public hearing regarding the proposed amendments on July 17th, 2023; and

WHEREAS, the Board of Aldermen desires to approve the proposed amendments to Sections 405.500, 405.200, and 405.205, subsection EE., of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE CITY OF OAK GROVE, MISSOURI, as follows:

SECTION 1. That Section 405.500 Definitions of the City Code is hereby amended with additions in bold underline and deletions in strikethrough notation as follows, all other terms and definitions remain unchanged:

Comprehensive Marijuana Facility

A “Comprehensive Facility” as defined by Article XIV, Section 2, of the Missouri Constitution, a Comprehensive Marijuana Cultivation Facility, a Comprehensive Marijuana Dispensary Facility, or a Comprehensive Marijuana-Infused Products Manufacturing Facility.

Comprehensive Marijuana Cultivation Facility

A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell Marijuana, Marijuana seeds, Marijuana vegetative cuttings (clones) to a Medical Marijuana Facility, Comprehensive Marijuana 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 Prerolls, but shall not include the manufacture of Marijuana-Infused Products.

Comprehensive Marijuana Dispensary Facility

A facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver Marijuana, Marijuana seeds, Marijuana vegetative cuttings (clones), Marijuana-Infused Products, and drug paraphernalia used to administer Marijuana as allowed by applicable law to a qualifying patient or primary caregiver, as defined by law, 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 applicable laws and as otherwise allowed by law, to a Comprehensive Marijuana Facility, a Marijuana Testing Facility, or a Medical Marijuana Facility. Comprehensive Marijuana 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 Article XIV of the Missouri Constitution and provided for by general or local law. A Comprehensive Marijuana Dispensary Facility's authority to process Marijuana shall include the creation of Prerolls.

Comprehensive Marijuana-Infused Products Manufacturing Facility

A facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store, manufacture, transport to or from a Medical Marijuana Facility, Comprehensive Marijuana Facility, or Marijuana Testing Facility, and sell Marijuana-Infused Products, Prerolls, and Infused Prerolls to a Comprehensive Marijuana Dispensary Facility, a Marijuana Testing Facility, or another Comprehensive Marijuana-Infused Products Manufacturing Facility. A Comprehensive Marijuana-Infused Products Manufacturing Facility need not segregate or account for its Marijuana products as either non-medical Marijuana or medical Marijuana.

Infused Preroll

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 Prerolls may or may not include a filter or crutch at the base of the product.

Marijuana or Marihuana

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

Marijuana Facility

A Comprehensive Marijuana Cultivation Facility, Comprehensive Marijuana Dispensary Facility, Marijuana Testing Facility, Comprehensive Marijuana-Infused Products Manufacturing Facility, Microbusiness Wholesale Facility, Microbusiness Dispensary Facility, or any other type of Marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services, but shall not include a licensed Medical Marijuana Facility.

Marijuana-Infused Products

Products that are infused 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, **dipped, coated, sprayed, or mixed with Marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and Infused Prerolls.**

Marijuana Microbusiness Facility

A facility licensed by the Missouri Department of Health and Senior Services as a Microbusiness Dispensary Facility or Microbusiness Wholesale Facility, as defined by law.

Marijuana Testing Facility

A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport Marijuana, including those originally certified as a Medical Marijuana Testing Facility.

Medical Marijuana

Marijuana or Marihuana used for medical purposes as set forth in Article XIV, Section 1, of the Missouri Constitution and the rules promulgated by the Missouri Department of Health and Senior Services.

Medical Marijuana Facility

Any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility, as defined in this section.

Medical Marijuana Cultivation Facility

A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, **package**, store **on site or off site**, transport **to or from**, and sell Marijuana, **Marijuana seeds, and Marijuana vegetative cuttings (also known as clones)** to a Medical Marijuana Dispensary Facility, 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 Prerolls, but shall not include the manufacture of Marijuana-Infused Products.**

Medical Marijuana Dispensary Facility

A facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, **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, 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, **a Medical Marijuana Cultivation Facility**, or a Medical Marijuana-Infused Products Manufacturing Facility. **Medical Marijuana 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 Prerolls, but shall not include the manufacture of Marijuana-Infused Products.**

Medical Marijuana-Infused Products Manufacturing Facility

A facility licensed by the Missouri Department of Health and Senior Services, 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, a Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

Microbusiness Dispensary Facility

A facility licensed by the Missouri Department of Health and Senior Services to acquire, process, package, store on or off site, sell, transport to or from, and deliver Marijuana, Marijuana seeds, Marijuana vegetative cuttings (clones), Marijuana-Infused Products products, and drug paraphernalia used to administer Marijuana as allowed by law to a qualifying patient or primary caregiver, as defined by law, or to a consumer, anywhere on the licensed property or to any address as directed by the qualifying patient, primary caregiver, or consumer and consistent with the limitations of Article XIV of the Missouri Constitution and as otherwise allowed by law, a Microbusiness Wholesale Facility, or a Marijuana Testing Facility. Microbusiness 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 Microbusiness Dispensary Facility's authority to process Marijuana shall include the creation of Prerolls.

Microbusiness Wholesale Facility

A facility licensed by the Missouri Department of Health and Senior Services 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 (clones) and Marijuana-Infused Products products to a Microbusiness Dispensary Facility, other Microbusiness Wholesale Facility, or Marijuana Testing Facility. A Microbusiness Wholesale Facility may cultivate up to two hundred fifty (250) flowering Marijuana plants at any given time. A

Microbusiness Wholesale Facility's authority to process Marijuana shall include the creation of Prerolls and Infused Prerolls.

Preroll

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

Transportation Facility

A facility licensed as such **certified** by the Missouri Department of Health and Senior Services in ~~connection with the transportation and storage of medical marijuana~~ **to house operations involving the transport of Marijuana product to or from a Marijuana Facility or Medical Marijuana Facility; or to a qualifying patient, primary caregiver, or consumer.**

SECTION 2. That Chapter 405.200 Use Regulations of the City Code is hereby amended to read as follows, with additions in bold underline and deletions in strikethrough notation:

**City of Oak Grove
USE TABLE**

[Ord. No. 1383 §410, 1-6-2003; Ord. No. 1515 §7, 6-5-2006; Ord. No. 1565 §§6, 12, 4-2-2007; Ord. No. 1585 §2, 12-3-2007; Ord. No. 1690 §1, 9-7-2010; Ord. No. 1694 §1, 9-20-2010; Ord. No. 1719 §2, 9-19-2011; Ord. No. 1720 §1, 9-19-2011; Ord. No. 1807 §1, 11-17-2014; Ord. No. 1833, 12-7-2015; Ord. No. 1944, 6-17-2019; Ord. No. 1962, 12-16-2019]

Key to Use Table:

- P = Permitted (By Right). Uses identified in a zoning district column of the Use Table with a "P" are "permitted by right" and shall be permitted in such zoning district, subject to such special use regulations as may be indicated in the "conditions" column and all other requirements of this Development Code.
- C = Conditional Uses. Uses identified in a zoning district column of the Use Table with a "C" are "conditional uses" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of Section 405.095. Conditional uses shall be subject to such special use regulations as may be indicated in the "conditions" column and all other requirements of this Development Code.
- NP = Not Permitted. Uses identified in a zoning district column of the Use Table with a "NP" are "not permitted" and are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this Development Code.

Conditions. A letter in the final "conditions" column of the Use Table refers to special use standards applicable to a particular use in one (1) or more of the districts that such use is allowed. The referenced regulations appear in Section 405.205. For example, condition "E" refers to the special use standards of Section 405.205(E).

**City of Oak Grove
USE TABLE**

| | Residential | | | | Non-residential | | | | | | |
|---------------------------|-------------|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Residential Uses | | | | | | | | | | | |
| Assisted Living | NP | NP | P | P | P | P | P | NP | NP | P | |
| Duplex | NP | NP | P | P | NP | NP | NP | NP | NP | P | |
| Group Home, Ltd. (1—8) | P | P | P | P | NP | NP | NP | NP | NP | P | J |
| Group Home, Gen. (9+) | NP | NP | NP | C | C | C | P | P | NP | P | J |
| Group Residential | NP | NP | C | C | C | C | P | P | NP | P | |
| Manufactured Home Dev. | NP | NP | C | C | NP | NP | NP | NP | NP | C | M |
| Modular Home | NP | P | P | P | NP | NP | NP | NP | NP | P | |
| Mobile Home Dev. | NP | NP | C | C | NP | NP | NP | NP | NP | C | N |
| Multi-Family | NP | NP | P | P | NP | NP | NP | NP | NP | P | O |
| Single-Family, Attached | NP | NP | P | P | NP | NP | NP | NP | NP | P | S |
| Single-Family, Detached | P | P | P | P | NP | NP | NP | NP | NP | P | |
| Accessory Residential/C-2 | NP | NP | NP | NP | NP | P | NP | NP | NP | P | X |

| | Residential | | | | Non-residential | | | | | | |
|-------------------------------------------------|-------------|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Public, Quasi-Public and Commercial Uses | | | | | | | | | | | |
| Adult Entertainment Establishment | NP | NP | NP | NP | NP | NP | C | C | C | C | B |
| Airport or Airstrip | NP | NP | NP | NP | NP | NP | NP | NP | C | P | |
| Animal Care, General | NP | NP | NP | NP | NP | NP | P | P | NP | P | C |
| Animal Care, Ltd. | NP | NP | NP | NP | NP | P | P | P | NP | P | C |
| Animal Care, Wildlife Rehabilitation | NP | NP | NP | NP | NP | C | C | C | NP | C | |
| Auditorium or Stadium | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Bank/Financial Institution | NP | NP | NP | NP | P | P | P | NP | NP | P | |
| Bar or Tavern | NP | NP | NP | NP | NP | P | P | NP | NP | P | |
| Cabinet/Carpentry Shop | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Car Wash | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Cemetery | C | C | C | C | C | C | C | C | C | P | D |
| Club, Private | NP | NP | NP | NP | NP | P | P | P | P | P | |
| Clubs—under 21 | NP | NP | NP | NP | NP | NP | C | NP | NP | NP | Z |
| College or University | NP | NP | NP | NP | NP | P | P | P | NP | P | |
| Communication Tower | C | NP | NP | NP | C | C | C | C | C | C | E |
| Construction Sales/Service | NP | NP | NP | NP | NP | C | P | P | NP | P | |
| Convalescent Care | NP | NP | C | C | C | C | C | C | NP | P | G |

| | Residential | | | | Non-residential | | | | | | |
|-------------------------------------------------------------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Public, Quasi-Public and Commercial Uses | | | | | | | | | | | |
| <u>Comprehensive Marijuana Dispensary Facility</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>EE</u> |
| Correctional Facility | NP | NP | NP | NP | NP | NP | NP | NP | C | P | |
| Cultural Service | NP | NP | NP | NP | P | P | P | P | P | P | |
| Day Care, Ltd. (1—6) | P | P | P | P | NP | NP | NP | NP | NP | P | H |
| Day Care, General (7—10) | C | C | C | C | C | C | NP | NP | NP | P | H |
| Day Care, Commercial | NP | NP | NP | C | P | C | P | P | NP | P | H |
| Flextech | NP | NP | NP | NP | NP | C | C | C | P | P | |
| Funeral Home | NP | NP | NP | NP | NP | C | C | P | P | P | |
| Golf Course | P | C | C | C | C | C | C | C | P | P | I |
| Government Service | NP | NP | NP | NP | P | P | P | P | P | P | |
| Health Club | NP | NP | NP | NP | P | P | P | P | P | P | |
| Heliport or Helipad | NP | NP | NP | NP | NP | NP | NP | P | P | P | |
| Hospital | NP | NP | NP | NP | C | C | P | P | P | P | K |
| Hotel or Motel | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Kennel | C | NP | NP | NP | NP | NP | C | C | NP | P | |
| Massage Establishments and Bathhouse | NP | NP | NP | NP | NP | C | C | NP | NP | NP | BB |
| Medical Marijuana Dispensary Facility | NP | NP | NP | NP | NP | P | P | P | P | P | EE |
| Medical Service | NP | NP | NP | NP | C | P | P | P | P | P | |
| <u>Microbusiness Dispensary Facility</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>EE</u> |
| Military Service | NP | NP | NP | NP | C | C | C | C | C | P | |
| Mobile Homes Sales | NP | NP | NP | NP | NP | NP | NP | P | C | P | |
| Modeling Studio and Body Painting | NP | NP | NP | NP | NP | C | C | NP | NP | NP | BB |
| Office, General | NP | NP | NP | NP | P | P | P | P | P | P | |
| Outdoor display, storage, or sale of merchandise on C-1, C-2, C-3, M-1, or M-2 property used as residential | NP | NP | NP | NP | C | C | C | C | C | P | Y |
| Parking Lot, Commercial | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Parks and Recreation | C | C | C | C | C | C | C | P | P | P | |
| Post Office | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Recreation/Entertainment Indoor | NP | NP | NP | NP | C | C | P | P | P | P | |
| Recreation/Entertainment Outdoor | NP | NP | NP | NP | NP | NP | C | C | C | P | P |
| Recreational Vehicle Park | NP | NP | NP | NP | NP | NP | C | C | C | C | CC |
| Recreational Vehicle Sales and Service | NP | NP | NP | NP | NP | NP | C | C | C | C | DD |
| Religious Assembly | P | P | P | P | P | P | P | P | P | P | Q |
| Repair Service | NP | NP | NP | NP | C | P | P | P | P | P | |

| | Residential | | | | Non-residential | | | | | | |
|-------------------------------------------------|-------------|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Public, Quasi-Public and Commercial Uses | | | | | | | | | | | |
| Research Service | NP | NP | NP | NP | NP | C | C | C | P | P | |
| Restaurant, Fast-food | NP | NP | NP | NP | NP | C | P | C | P | P | |
| Restaurant, General | NP | NP | NP | NP | P | P | P | P | P | P | |
| Retail Sales and Service | NP | NP | NP | NP | P | P | P | P | P | P | |
| Safety Service | C | C | C | C | C | C | C | C | C | P | |
| Schools, Elementary, Middle or High | P | P | P | P | C | C | C | C | C | P | |
| Service Sta., Automotive | NP | NP | NP | NP | NP | C | P | C | C | P | W |
| Service Sta., Truck Stop | NP | NP | NP | NP | NP | NP | P | C | NP | P | |
| Shooting Range (outdoor) | NP | NP | NP | NP | NP | NP | NP | NP | NP | P | |
| Short-term loan service | NP | NP | NP | NP | NP | C | C | NP | NP | C | AA |
| Studio, Television or Film | NP | NP | NP | NP | NP | C | P | P | C | P | NP |
| Tattoo Parlors and Body Piercing | NP | NP | NP | NP | NP | C | C | NP | NP | NP | BB |
| Transitional Living Center | NP | NP | NP | NP | NP | NP | NP | C | NP | P | U |
| Vehicle/Equipment Sales | NP | NP | NP | NP | NP | NP | P | P | C | P | V |
| Vehicle/Equipment Storage Yard | NP | NP | NP | NP | NP | NP | C | C | C | P | V |
| Vehicle Repair, General | NP | NP | NP | NP | NP | C | P | P | P | P | V |
| Vehicle Repair, Limited | NP | NP | NP | NP | C | P | P | P | P | P | W |
| Vocational School | NP | NP | NP | NP | NP | C | P | P | C | P | |
| Warehouse, Residential Storage (mini-storage) | NP | NP | NP | NP | NP | NP | C | P | P | P | |

| | Residential | | | | Non-residential | | | | | | |
|-------------------------------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|------------------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Manufacturing, Industrial and Extractive Uses | | | | | | | | | | | |
| Asphalt or Concrete Plant | C | NP | NP | NP | NP | NP | NP | NP | C | NP | |
| Basic Industry | NP | NP | NP | NP | NP | NP | NP | NP | P | NP | |
| Compost Facility | NP | NP | NP | NP | NP | NP | NP | NP | NP | P | F |
| <u>Comprehensive Marijuana Cultivation Facility</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>EE</u> |
| <u>Comprehensive Marijuana-Infused Products Manufacturing Facility</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>EE</u> |
| Food/Bakery Product Manufacturing | NP | NP | NP | NP | NP | NP | NP | C | C | P | |
| Freight Terminal | NP | NP | NP | NP | NP | NP | NP | NP | P | P | |
| Gas and Fuel Storage | NP | NP | NP | NP | NP | NP | C | C | C | NP | |
| Hazardous Operation | NP | NP | NP | NP | NP | NP | NP | NP | C | C | |
| Landfill | NP | NP | NP | NP | NP | NP | NP | NP | NP | C | L |
| Laundry Service | NP | NP | NP | NP | NP | NP | NP | NP | C | P | |

| | Residential | | | | Non-residential | | | | | | |
|------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|------------------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Manufacturing, Industrial and Extractive Uses | | | | | | | | | | | |
| Manufacturing Assembly | NP | NP | NP | NP | NP | NP | NP | C | P | P | |
| <u>Marijuana Testing Facility</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>EE</u> |
| Medical Marijuana Cultivation Facility | P | NP | NP | NP | NP | NP | NP | P | P | P | EE |
| Medical Marijuana Products Manufacturing Facility | NP | NP | NP | NP | NP | NP | NP | P | P | P | EE |
| Medical Marijuana Testing Facility | NP | NP | NP | NP | NP | NP | NP | P | P | P | EE |
| <u>Microbusiness Wholesale Facility</u> | <u>P</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>EE</u> |
| Mining or Quarrying | C | NP | NP | NP | NP | NP | NP | NP | C | NP | L |
| Oil or Gas Drilling/Refining | NP | NP | NP | NP | NP | NP | NP | NP | C | NP | |
| Printing and Publishing | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Salvage Yard | NP | NP | NP | NP | NP | NP | NP | C | C | NP | R |
| Solid Waste Collection and Processing | NP | NP | NP | NP | NP | NP | NP | NP | C | NP | T |
| Stockyard | NP | NP | NP | NP | NP | NP | NP | NP | C | NP | |
| Transit Facility | NP | NP | NP | NP | NP | C | P | P | P | P | |
| Transportation Facility | NP | NP | NP | NP | NP | NP | NP | P | P | P | EE |
| Utility, Major | NP | C | C | C | C | C | C | C | C | C | |
| Utility, Minor | NP | P | P | P | P | P | P | P | P | P | |
| Warehouse/ | | | | | | | | | | | |
| Wholesale | NP | NP | NP | NP | NP | C | C | P | P | P | |
| Welding or Machine Shop | NP | NP | NP | NP | NP | C | P | P | P | C | |

| | Residential | | | | Non-residential | | | | | | |
|----------------------------|-------------|-----|-----|-----|-----------------|-----|-----|-----|-----|-----|------|
| | A | R-1 | R-2 | R-3 | C-1 | C-2 | C-3 | M-1 | M-2 | PUD | Cond |
| Agricultural Uses | | | | | | | | | | | |
| Agricultural Processing | NP | NP | NP | NP | NP | NP | NP | C | P | NP | |
| Agricultural Sales/Service | C | NP | NP | NP | NP | P | P | P | P | P | |
| Agriculture, General | C | NP | NP | NP | NP | NP | NP | NP | C | P | A |
| Agriculture, Limited | P | NP | NP | NP | NP | NP | NP | C | C | P | |

SECTION 3. That Section 405.205, subsection EE., of the City Code is hereby amended to read as follows, with additions in bold underline and deletions in strikethrough notation:

EE. Medical **Marijuana Facilities and** Marijuana **Facilities**. No Medical Marijuana Cultivation Facility, ~~Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Products Manufacturing Facility, or Transportation Facility~~ shall be constructed, altered, or used without complying with the following regulations: **The following regulations apply to all Medical Marijuana Facilities, Comprehensive Facilities, and Marijuana Microbusiness Facilities, including cultivation facilities, dispensary facilities, infused products manufacturing facilities, testing facilities, and wholesale facilities:**

No new Medical Marijuana Cultivation ~~Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Products Manufacturing Facility, or Transportation Facility~~ shall be initially sited within one thousand (1,000) feet of any then-existing elementary or secondary school, **child day-care center**, or church.

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. If the school, daycare, or church 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. 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. If the school, daycare, or church 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.

Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

For purposes of this Section:

A "day-care" means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.

A "elementary or secondary school" means any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

A "church" means a permanent building primarily and regularly used as a place of religious worship.

"Then existing" means any school, day-care, or church with a written building permit from the City

to be constructed, or under construction, or completed and in use at the time the Marijuana Facility first applies for either zoning or a building permit, whichever comes first.

Outdoor Operations Or Storage Prohibited. Unless licensed as an outdoor Medical Marijuana Cultivation Facility **or Comprehensive Marijuana Cultivation Facility**, all **Medical Marijuana Facilities and** Marijuana Facilities' operations and all storage of materials, products, or equipment shall be within a fully enclosed building.

On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a **Medical Marijuana Facility or** Marijuana Facility.

Hours Of Operation. All **Medical Marijuana Facilities and** Marijuana Facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of Marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M., provided that, sales and distribution of Medical Marijuana or any other products sold to the public through a Medical Marijuana Dispensary, **Comprehensive Marijuana Facility, or Microbusiness Wholesale Facility** may occur until Midnight on Friday and Saturday evenings.

Residential Dwelling Units Prohibited. No Medical **Marijuana Facility or** Marijuana **Facility** business shall be located in a building that contains a residence.

~~Enclosed Building Required. A Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be entirely within an enclosed building.~~

Ventilation Required. All **Medical Marijuana Facilities and** Marijuana Facilities shall install and operate a ventilation system that will prevent any odor of Marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

SECTION 4. That should any sentence, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.


SECTION 5. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage.

PASSED THIS ___ DAY OF ___ 2023, BY THE BOARD OF ALDERMEN OF THE CITY OF OAK GROVE, MISSOURI.

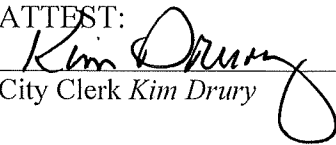

Mayor Dana Webb

ATTEST:


City Clerk Kim Drury

APPROVED by the Mayor of said city this 17th day of July, 2023.


Mayor Dana Webb

ATTEST:

City Clerk Kim Drury