

Introduced by: Council Present

AN ORDINANCE AMENDING CHAPTER 400 RELATING TO MEDICAL MARIJUANA AND RELATED USES

WHEREAS, medical marijuana uses are licensed and regulated by the State of Missouri; and

WHEREAS, on February 13, 2019 the Planning Commission reviewed and considered the proposed amendments to C2-C3, AD, AD-2, and M-1 of the Zoning Code; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments; and

WHEREAS, the City Council has reviewed the recommendation of the Planning Commission and held a Public Hearing, on March 4, 2019, determining that the proposed amendments are appropriate.

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

Section 1. Section 400.020 Definitions, of Chapter 400, Zoning, of the Berkeley Municipal Code is hereby amended to include the following new definition:

Medical Marijuana Dispensary: A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana for medical purposes to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a medical Marijuana-Infused Products Manufacturing Facility.

Section 2. The following zoning districts shall be amended; C2-C3, AD, AD-2, and M-1, regulating Medical Marijuana Dispensaries, i.e., retail sales, manufacturing, testing facilities, and related uses under the Special Use Process, Berkeley Code 400.530

Section 3. The Annual License Fees shall be established under Section 605.090 as follows:

LICENSE TYPE	ANNUAL FEE
Medical Marijuana Sales	\$
Medical Marijuana Manufacturing Facility	\$
Medical Marijuana Testing Facility	\$

Section 4. Appendix B, Land Use and Required Parking, of Chapter 400, Zoning, of the Berkeley Municipal Code is hereby amended as set forth and fully described in "Table A" below:

TABLE A						
Land Use	C-2	C-3	AD	AD-2	M-1	Minimum Parking
Crops Grown Indoors – Manufacturing	N/A	N/A	SUP	SUP	SUP	Section 400.160 (g)
Medical Marijuana Dispensaries	SUP	SUP	SUP	SUP	SUP	1 space per 200 sf. of floor area devoted to retail use

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

1st Reading, this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2019**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Hoskins	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Mitchell	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Williams	Aye	___	Nay	__	Absent	__	Abstain	__
Councilman-at-Large Greene	Aye	___	Nay	__	Absent	__	Abstain	__
Councilwoman Hindeleh	Aye	___	Nay	__	Absent	__	Abstain	__
Vacant	Aye	___	Nay	__	Absent	__	Abstain	__