

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 405.020, 405.130, 405.210, 405.240 AND 405.640 OF THE OSAGE BEACH CODES OF ORDINANCES RELATING TO THE AMENDMENTS AND CHANGES TO THE ZONING ORDINANCE REGARDING MEDICAL MARIJUANA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS, TO WIT:

Section 1. That Section 405.020 of the Osage Beach Code of Ordinances is hereby amended to add new definitions to read as follows:

"Medical Marijuana Cultivation Facility" a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility or to a Medical Marijuana-Infused Products Manufacturing Facility.

"Medical Marijuana Dispensary Facility" 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 as provided for in this section 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.

"Medical Marijuana-Infused Products Manufacturing Facility" a facility licensed by the State of Missouri to acquire, store, manufacture, transport and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

"Medical Marijuana Testing Facility" a facility certified by the State of Missouri to acquire, test, certify and transport marijuana.

"Religious Institution" a building used for religious activities, particularly for religious worship services.

"Elementary School" a school for the first four to six grades and includes kindergarten.

"Secondary School" a school that is intermediate in level between elementary school and college and that usually offers general, technical, vocational, or college-preparatory curricula.

Section 2. That Section 405.130 A. "A-1 General Agricultural District" of the Osage Beach Code of Ordinances is hereby amended to add a new item to read as follows:

14. Medical Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.585

Section 3. That Section 405.210 A. "C-1 General Commercial District" of the Osage Beach Code of Ordinances is hereby amended to add a new item to read as follows:

22. Medical Marijuana Dispensary Facilities subject to the use provisions outlined in Section 405.585

Section 4. That Section 405.240 A. "I-2 Heavy Industrial District" of the Osage Beach Code of Ordinances is hereby amended to add a new item to read as follows:

12. Medical Marijuana Cultivation Facilities subject to the use provisions outlined in Section 405.585

13. Medical Marijuana Infused Products Manufacturing Facilities subject to the use provisions outlined in Section 405.585

14. Medical Marijuana Testing Facilities subject to the use provisions outlined in Section 405.585

Section 5. That Section 405.640 A # 2 "Off Street Parking Criteria" of the Osage Beach Code of Ordinances is hereby amended to add a new item to read as follows:

Medical Marijuana Dispensary Facility - One (1) space for each three hundred fifty (350) square feet of total building floor area, plus one (1) space for each employee on maximum shift.

Section 6. That Section 405.585 Medical Marijuana Facilities of the Osage Beach Code of Ordinances is hereby adopted as a new section to read as follows:

Medical Marijuana Facilities

"Purpose". The Medical Marijuana Facilities regulations are established to promote the health, safety, morals and general welfare of the citizens, visitors, and businesses of the City. This Section is intended to govern and provide locations within the City of Osage Beach where Medical Marijuana Facilities can successfully provide their intended services to the citizens and visitors of Osage Beach while maintaining the standard of life to which they have become accustomed.

- A. "Medical Marijuana Dispensary Facility". This use will only be permitted in the "C-1", "I-1" and "I-2" zoning districts after meeting the following minimum requirements:
1. No Medical Marijuana Dispensary Facility shall be permitted within two hundred (200) feet, measured from property line to property line, of any religious institution, elementary or secondary school, or child daycare facility.
 2. Properties proposed to contain a Medical Marijuana Dispensary Facility must be located in one of the previously established zones and also meet one of the following:

- A. Be located within two thousand (2,000) feet of the Osage Beach Parkway Public Right of Way or the Interchange Right of Way for the Highway 54 Expressway or;
 - B. Be located within one thousand (1,000) feet from the State Highway 42 or State Highway KK Public Right of Way.
 3. No Medical Marijuana Dispensary Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- B. "Medical Marijuana Cultivation Facility". This use will only be permitted in the "A-1" and "I-2" zoning districts after meeting the following minimum requirements:
 1. Properties proposed to contain a Medical Marijuana Cultivation Facility must be located in one of the previously established zones and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contains a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone
 2. No Medical Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.
- C. "Medical Marijuana Infused Products Manufacturing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:
 1. Properties proposed to contain a Medical Marijuana Infused Products Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone.
 2. No Medical Marijuana Cultivation Facility shall be permitted on a property that is contiguous with the Lake of the Ozarks.

- D. "Medical Marijuana Testing Facility". This use will only be permitted in the "I-2" zoning district after meeting the following minimum requirements:
1. Properties proposed to contain a Medical Marijuana Testing Facility must be located in the previously established zone and also meet the following:
 - A. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property containing a religious institution, elementary or secondary school, or child daycare facility.
 - B. The facility, measured from its outer walls, must be a minimum of one thousand (1,000) feet from any property that is zoned residential. This will also include properties zoned "A-1" that contain a previously established residential use and properties zoned "C-1" that have been approved for a Special Use Permit for a residential use in a commercial zone.
 2. No Medical Marijuana Testing Facility shall be permitted on a property that contiguous with the Lake of the Ozarks.
- E. **Parking For Medical Marijuana Facilities.** Parking for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article IX "Off Street Parking and Loading Requirements"
- F. **Signage For Medical Marijuana Facilities.** Signage for Medical Marijuana Facilities will be governed by the provisions of Chapter 405 Article V "Signs"
- G. **Medical Marijuana Facilities shall not negatively affect adjacent and surrounding properties by means of being noxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, light, or glare.**
- H. **Medical Marijuana Facilities that propose having more than one type of facility on the same property or within the same building, will be required to follow the regulations for the more restricted facility. (For example; as adopted in 2019, a facility containing both a dispensary and cultivation, would be required to locate in the "I-2" zone with the distance requirements for a cultivation facility.)**
- I. **All other applicable regulations not specifically addressed in this section will be governed by the provisions of the zoning district in which the facility is proposed to be located.**

Section 7. Severability. The provisions of every Chapter, Section, paragraph, sentence, clause and phrase are severable. If any provision of a Chapter, Section, paragraph, sentence, clause and/or phrase is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the Chapter, Section, paragraph, sentence, clause and/or phrase are valid unless the court finds the valid provisions of the Chapter, Section, paragraph, sentence, clause and/or phrase are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions

without the void one; or unless the court finds that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 8. Repeal of ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 9. That this Ordinance shall be in full force and effect upon date of passage.

READ FIRST TIME: June 6, 2019

READ SECOND TIME: June 20, 2019

I hereby certify that the above Ordinance No. 19.37 was duly passed on June 20, 2019, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6

Nays: 0

Abstentions: 0

Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

June 20, 2019
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 19.37.

June 20, 2019
Date

John Olivarri
John Olivarri, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk