AN ORDINANCE AMENDING APPENDIX A, ZONING. SECTION ONE, DEFINITIONS. AND SECTION FOUR, USE REGULATIONS. FULTON CITY CODE. BY ESTABLISHING ZONING REGULATIONS RELATING TO MEDICAL MARIJUANA FACILITIES.

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

SECTION ONE: That Appendix A, Zoning. Section 1, Definitions, shall be amended by adding the following definitions (in bold text):

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, or commodities or products manufactured from industrial hemp.

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.

Medical Marijuana Cultivation Facility: a facility licensed by the Department of Health and Senior Services (or its successor agency), 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 or Dispensary: a facility licensed by the Department of Health and Senior Services (or its successor agency), 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 Department of Health and Senior Services (or its successor agency), 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.

SECTION TWO: That Appendix A, Zoning. Section 4, Use Regulations shall be amended as follows (bold text shall indicate newly-enacted regulations):

(5) C-2 Commercial District.
Permitted uses:
Any use permitted in the C-1 Central Business District;

Drive-in theater;

Farm store or feed store, including storage of liquid or solid fertilizer;

Veterinarian, animal hospital or kennel;

Lumberyard;

Truck or bus terminal;

Miniature golf course and driving tees operated for commercial purposes;

Nurseries growing plants for sale.

**Medical Marijuana Dispensaries.**

**Medical Marijuana-Infused Product Manufacturing Facilities.**

(6) C-3 Planned Commercial and CEM District.

A. Planned Commercial District. Except as approved by the council, development within the district shall be limited to contiguous tracts which are proposed for development as a unit at one time or in stages.

A building or premises may be used only for the retail sales of merchandise, services, general and professional offices; recreational, except outdoor theaters; parking areas; Medical Marijuana Dispensaries; Medical Marijuana-Infused Product Manufacturing Facilities; and other facilities ordinarily accepted as shopping center uses.

...
3. Accessory open storage is enclosed in a building or by a concrete or masonry wall not less than six (6) feet in height.

4. No premises are used for extraction of raw material.

5. Fuel oil storage tanks and premises used for bulk storage of oils, petroleum or similar flammable liquids and chemicals, or for the storage of explosives must file a safety plan. Such facilities will be fully in compliance with state and federal regulations.

When considering the bulk storage of Class IIIB type combustible liquids only, when proposed at sites other than in the M-1 Industrial District, they shall be prohibited except when approved by the Fulton City Council. The City Council's approval shall include, but not be limited to, the following stipulations as with all bulk storage facilities:

1. Storage tanks shall be constructed of steel, shall be UL approved, and built in accordance with recognized good engineering standards.

2. The storage tanks of bulk oil are located at least fifty (50) feet from the site's boundaries.

3. A safety plan as outlined by National Fire Protection Association (NFPA30 2-5.8.4.1) "Emergency action plan" is filed with the City of Fulton.

4. Such facilities will be fully in compliance with local, state and federal regulations and with the guidelines and regulations of the National Fire Protection Association (NFPA30 2-5.8.4.1).

5. All tanks shall be removed within six (6) months of going out of business or at any time the tanks are no longer in use.

(b) Permitted uses. Subject to the foregoing, any commercial or industrial use may be allowed that observes performance standards set under state and federal laws. Also permitted: Medical Marijuana Dispensaries and Medical Marijuana-Infused Product Manufacturing Facilities. Medical Marijuana Cultivation Facilities shall be restricted to M-1 zones.

(c) Conditional uses. Industries using toxic or hazardous materials must present, and inspector must approve, a plan for the handling and use of such materials. Approval shall be based upon safety of the general public and processes or products objectionable on abutting or nearby property.
Junkyards and auto wrecking yards; provided, however, that all such uses shall be enclosed by a solid wall or fence at least six (6) feet high and that material not be piled any higher than said wall.

SECTION THREE: That any subsections, parts of subsections, or language not expressly laid out in this ordinance pertaining to Section Four shall remain unchanged and in full effect.

SECTION FOUR: That this ordinance shall be in full force and effect after its passage by the Council and approval by the Mayor.

READ THREE TIMES AND PASSED THIS _______ DAY OF ____________________, 2019.

_______________________________________
Lowe Cannell
President of the Council

APPROVED THIS _______ DAY OF ____________________, 2019.

_______________________________________
Lowe Cannell
Mayor

ATTEST:

_______________________________
Courtney L. Crowson, CMC/MRCC
City Clerk

Reading:  Motion/Reader:   Second/Advancement:  Date:

First:     Stone       Rehklau                Date: 07-09-2019
^ Six members in favor. One (Shiverdecker) abstaining. One (Braun) absent.
Second:    Stone       Moore                 Date: 07-23-2019
^ Seven members in favor. One (Shiverdecker) abstaining.
Third:     Stone       Pace-Snook            Date: 08-13-2019
^ Seven members in favor. One (Shiverdecker) abstaining.

FINAL PASSAGE ROLL CALL: Rehklau, YES; Sebacher, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES; Pace-Snook, YES. Abstaining: Shiverdecker.