

An ordinance to amend Ordinance No. 453 of the City of Lucedale, Mississippi, said ordinance being commonly known as the Lucedale Land Development Code, by changing and amending said ordinance and the zoning map of the City of Lucedale, to show the Medical Cannabis Dispensary and Cannabis Cultivation Facility described as:

WHEREAS, on February 2, 2022, the Governor for the State of Mississippi signed the Mississippi Medical Cannabis Act (SB 2095) into law; and

WHEREAS, Mississippi law, including the Mississippi Medical Cannabis Act, authorizes municipalities to enact zoning regulations in relation to medical cannabis establishments; and

WHEREAS, the City of Lucedale desires to amend its zoning code to address medical cannabis establishments; and

WHEREAS, medical cannabis establishments are currently unregulated under the zoning code; and

WHEREAS, given the City of Lucedale's lack of regulations addressing the development of medical cannabis establishments, the amendments set forth herein will improve compatibility among uses and will ensure efficient development within the City, will result in a logical and orderly development pattern, and are necessitated by a demonstrated community need to achieve the objectives and policies stated herein; and

WHEREAS, on August 16, 2022, the City of Lucedale Planning Commission conducted a public hearing on the amendments contained herein and voted not to recommend their approval to pass the Amendment by the Mayor and Board of Aldermen.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF CITY OF LUCEDALE AS FOLLOWS:

SECTION 1. The Mayor and Board of Aldermen hereby adopts the foregoing recitals as its findings.

SECTION 2. Amend Article 10 (Definitions) of the Zoning Code to include the following definitions:

1. Cannabis: All parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis derived drug products approved by the Federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

- i. **Cannabis Dispensary, Medical** means an entity licensed and registered with the MDOR (Mississippi Department of Revenue) that acquires, processes, stores, transfers, sells, supplies, or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.
- ii. **Cannabis Research Facility** means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.
- iii. **Cannabis Testing Facility** means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.
- iv. **Cannabis Cultivation Facility** means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates, and harvests medical cannabis in an indoor, enclosed, locked and secure area.
- v. **Cannabis Processing Facility** means a business entity that is licensed and registered by the Mississippi Department of Health that: (a) acquires or intends to acquire cannabis from a cannabis cultivation facility; (b) possesses cannabis with the intent to manufacture a cannabis product; (c) manufactures or intends to manufacture a cannabis product from

unprocessed cannabis or a cannabis extract; and (d) sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

- vi. **"Cannabis Disposal Entity"** means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.
- vii. **"Cannabis Transportation Entity"** means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

SECTION 3. Amend Section 3.29, Supplementary District Use Standards and Provisions is hereby amended to include subsection 3.29.10 Medical Cannabis Dispensaries - Medical cannabis dispensaries, cannabis research facilities, and cannabis testing facilities which are allowed by right or with a Conditional Use Major shall comply with the following standards:

- i. **License and Display.** The use shall be validly licensed with MDOR (Mississippi Department of Revenue) prior to an approval of a final business inspection and before submitting for a
- ii. Certificate of Occupancy with the City of Lucedale Planning Department. Such required licensures shall be prominently displayed in a public area near its main entrance along with and the name of the owner and designated entity responsible for compliance with State and City law.
- iii. **No Outdoor Use.** The use shall not provide for outdoor seating areas, queues, or customer waiting areas. All activities shall be conducted within the structure and adequate indoor waiting areas shall be provided for all patients and business invitees.
- iv. **Distance Requirements.** The use shall be located at least 1000 feet from any residential district or existing residential use in addition to other distances required by State Law. The main point of entry of any medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or childcare facility. A medical cannabis establishment may receive a variance to this distance restriction by receiving approval from the school, church or childcare facility and by applying for a variance with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or childcare facility. No medical cannabis dispensary may be located within a one thousand-five-hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.
- v. **No Offensive Odor.** If the use results in the off-site transmission of odor, the use shall be required to include measures to reduce the off-site transmission of odor.
- vi. **On-Site consumption of marijuana.** No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. The persons responsible for the operation of the medical marijuana dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.
- vii. **No Drive-Through Service.** A medical cannabis dispensary shall only make sales to cardholders inside the dispensary. A medical cannabis dispensary shall not sell or otherwise convey medical cannabis to a cardholder through the means of a drive-through, curbside delivery or other delivery outside the premises of the dispensary.
- viii. **Primary entrance.** The primary entrance of a medical marijuana dispensary shall be oriented to a public street and be clearly visible from the right of way of said street.
- ix. **Operating hours.** A medical marijuana dispensary may operate only Monday through Saturday and only during the hours of 7:00 a.m. to 7:00 p.m.
- x. **Compliance with other laws.** A medical marijuana dispensary shall at all times be in compliance with all federal and state laws and regulations and the City of Lucedale Ordinances.

xi. Landlord Responsibility.

- i. Any landlord, leasing agent or owner of property, upon which a medical marijuana dispensary operates, who knows or in the exercise of reasonable care should know that a medical marijuana dispensary is operating in violation of this code, or applicable Mississippi law, must take reasonable steps to prevent the continued illegal activity on the leased premises.
- ii. Landlords who lease space to a medical marijuana dispensary must expressly incorporate language into the lease or rental agreement stating that failure to comply with this code or State Law is a material non-curable breach of the lease and shall constitute grounds for termination of the lease and immediate eviction by the landlord. A medical cannabis establishment may not share office space with or refer patients to a practitioner.

SECTION 4. Amend Section 3.29, Supplementary District Use Standards and Provision is hereby amended to include sub section 3.29.11 Cannabis cultivation facility to state Cannabis cultivation facilities, cannabis processing facilities, and cannabis disposal facility or cannabis Transportation Entity shall comply with the following standards:

- i. Cannabis Transportation entities, Cannabis Disposal entities, Cannabis Research Facilities and Cannabis Testing Facilities must have a license with Mississippi State Department of Health (MSDH) prior to the approval of a final Business inspection and before submitting for a Certificate of Occupancy with the City of Lucedale Planning Department. Such required state licensures shall be prominently displayed in a public area near its main entrance along with the name of the owner and designated entity responsible for compliance with State and City law.
- ii. The use shall be located at least 1500 feet from any residential district or existing residential use.
- iii. The use shall be required to include measures to eliminate the off-site transmission of noise, odor, and light.
- iv. The main point of entry of any medical cannabis establishment shall not be located within one thousand five hundred (1500) feet of the nearest property boundary line of any school, church or childcare facility. A medical cannabis establishment may receive a variance to this distance restriction by receiving approval from the school, church or childcare facility and by applying for a variance with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or childcare facility.
- v. All cultivation, harvesting, processing and packaging of medical cannabis must take place in an enclosed, locked and secure facility, and must meet the City of Lucedale's development standards.

SECTION 5. Amend Section 3.4 Uses Permitted, Table of Permitted Uses to add the following two uses:

3.5.1.2.a Medical Cannabis Dispensary as a permitted use in the C-2 Zone with supplementary conditions enumerated above.

3.7.4 Cannabis cultivation facility as a permitted use in the Agricultural, M-1, and M2 Zones with supplementary conditions.

The resulting Table of Uses is shown below with amendment highlighted in red.

SECTION 6. Any Table of Contents, Index, Table information, and other page or section numbering impacted by the amendments herein shall be updated and renumbered as necessary.

SECTION 7. On August 16, 2022, the foregoing Ordinance was read, discussed, and considered section by section and as a whole; voted on section by section as a whole; and passed section by

section as a whole; the vote in every instance being as follows:

ALDERMAN LOUIS VALENTINE
ALDERMAN AT-LARGE

VOTED: YEA

ALDERMAN CARRIE MOULDS
WARD ONE

VOTED: YEA

ALDERMAN JIMMY REDD
WARD TWO

VOTED: YEA

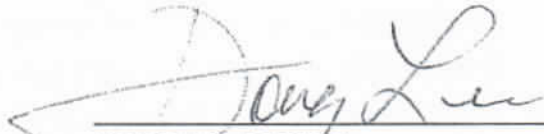
ALDERMAN JASON MARTIN
WARD THREE

VOTED: YEA

ALDERMAN AL JONES
WARD FOUR

VOTED: NAY

The motion having received the affirmative vote of a majority of the members of the Governing Body present, the Mayor declared the motion carried and the Ordinance adopted on the 16th day of August, 2022.


DOUG LEE, MAYOR


LAURA MAPLES, CITY CLERK