

ORDINANCE NO. ___-___
CITY OF PASCAGOULA, MISSISSIPPI

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE UNIFIED
DEVELOPMENT ORDINANCE TO ADDRESS MEDICAL CANNABIS
ESTABLISHMENTS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR
RELATED PURPOSES.**

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 Pascagoula desires to amend its Unified Development Ordinance to address medical cannabis establishments; and

WHEREAS, medical cannabis establishments are currently unregulated under the Unified Development Ordinance; and

WHEREAS, given the City of Pascagoula'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 April 27, 2022, the City of Pascagoula Planning Board conducted a public hearing on the amendments contained herein and voted to recommend their approval by the City of Pascagoula City Council.

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

SECTION 1. The City Council hereby adopts the foregoing recitals as its findings.

SECTION 2. Section 10.2. Terms and Uses Defined is hereby amended to include the following definitions:

1. “Medical cannabis dispensary” means an entity that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.
2. “Cannabis research facility” means an entity 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.
3. “Cannabis testing facility” means an entity that analyzes the safety and potency of cannabis.
4. “Cannabis cultivation facility” means a business entity that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.
5. “Cannabis processing facility” means a business entity that: (i) acquires or intends to acquire cannabis from a cannabis cultivation facility; (ii) possesses cannabis with the intent to manufacture a cannabis product; (iii) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (iv) sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.
6. “Cannabis disposal entity” means a business that is involved in the commercial disposal or destruction of medical cannabis.
7. “Cardholder” means a registered qualifying patient or a registered designated caregiver who has been issued and possesses a valid medical cannabis registry identification card.

SECTION 3. Section 4.3.D.8. Retail Sales and Service Uses is hereby amended to include “Medical Cannabis Establishments, Commercial”, which shall become Section 4.3.D.8.e. and state as follows:

Medical Cannabis Establishments, Commercial

Medical cannabis dispensaries, cannabis research facilities, and cannabis testing facilities shall comply with the following standards:

- i. The use shall be validly licensed with the State of Mississippi and shall prominently display in a public area near its main entrance copies of all required state licenses and the name of the owner and designated entity responsible for compliance with State and City law.
- ii. 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.
- iii. The use shall be located at least 250 feet from any residential district or existing residential use.
- iv. 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.

SECTION 4. Section 4.3.E.3. Manufacturing and Production Uses is hereby amended to include “Medical Cannabis Establishments, Industrial”, which shall become Section 4.3.E.3.b. and state as follows:

Medical Cannabis Establishments, Industrial

Cannabis cultivation facilities, cannabis processing facilities, and cannabis disposal entities shall comply with the following standards:

- i. The use shall be validly licensed with the State of Mississippi and shall prominently display in a public area near its main entrance copies of all required state licenses and the name of the owner and designated entity responsible for compliance with State and City law.
- ii. The use shall be located at least 250 feet from any residential district or existing residential use.
- iii. The use shall be required to include measures to reduce the off-site transmission of noise, odor, and light.
- iv. If the use is located in a commercial zone, the use shall provide a type C buffer in accordance with Section 6.3.E., Perimeter Buffers.

SECTION 5. Table 4.2.B.2: Principal Use Table is amended to include medical cannabis establishments as follows:

Use Category	Use Type	Commercial						Industrial			Use-Specific Standards
		NC	CC	RC	DT	GC	WMU	LI	HI	P	
Retail Sales	Medical cannabis dispensary	S	P	P	S	S	S	P	P	P	4.3.D.8.e.
Health Care Uses	Cannabis research facility	S	P	P	S	S	S	P	P	P	4.3.D.8.e.
	Cannabis testing facility	S	P	P	S	S	S	P	P	P	4.3.D.8.e.
Manufacturing and Production Uses	Cannabis cultivation facility		S	S				P	P	P	4.3.E.3.b.
	Cannabis processing facility		S	S				P	P	P	4.3.E.3.b.
	Cannabis disposal entity		S	S				P	P	P	4.3.E.3.b.

SECTION 6. Table 6.2.D.1.: Minimum Number of Off-Street Parking Spaces is amended to include medical cannabis establishments as follows:

Use Category	Use Type	Minimum Number of Parking Spaces
Retail Sales	Medical cannabis dispensary	1 per 250 sf
Health Care Uses	Cannabis research facility	1 per 300 sf
	Cannabis testing facility	
Manufacturing and Production Uses	Cannabis cultivation facility	1 per 4 employees on largest shift + 1 per company vehicle stored on-site
	Cannabis processing facility	
	Cannabis disposal entity	

SECTION 7. 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 8. The amendments to this Ordinance shall become effective as provided by law.

The above Ordinance was introduced in writing by Mayor Willis, seconded for adoption by Councilman _____, and received the following vote: Mayor Willis voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, and Councilman ___ voted “___”.

Passed this the ___ day of _____ 2022.

APPROVED:

/s/
Jay Willis, Mayor

/s/
Karen Kennedy, City Clerk