



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
March 11, 2021

Department Administration

Director Approval *Kelly Passauer*

AGENDA ITEM Consider adopting an ordinance imposing a moratorium on the establishment of businesses relating to commercial cannabis activity.

SUMMARY RECOMMENDATION The Planning Commission recommends approval.

BACKGROUND On March 2, 2021 the Planning Commission unanimously recommended adopting a moratorium on the establishment of businesses relating to commercial cannabis activity. The recommendation was made based on the current efforts at the State level to allow such activity and recent local inquiries to establish such businesses. The purpose of the moratorium would be to provide adequate time for regulations to be established prior to such activity being allowed in the City. Otherwise, there is a concern such businesses could establish soon after the State legalizes this activity and be subsequently grandfathered in before local regulations could be established.

SUGGESTED MOTION I move to adopt Ordinance 4352 imposing a moratorium on the establishment of businesses relating to commercial cannabis activity.

SUPPORTING DOCUMENTS

1. 03/02/2021 Staff report to Planning Commission
2. Ordinance

- d. Consider recommending the City Commission adopt an ordinance establishing a temporary moratorium on commercial cannabis activity, including but not limited to medical marijuana and recreational marijuana.**

At the previous meeting, the topic of developing zoning regulations in the event that marijuana is legalized was on the agenda and it was suggested to delay further discussion on this topic until July. However, staff is aware that there is some interest in the community to establish these types of businesses. At a previous meeting Lisa Richard suggested a moratorium be considered. City staff has discussed this further with the City Attorney and this is something that could be done until regulations are established. This would eliminate the potential of grandfathering existing or new businesses that may sell marijuana if it is legalized in the State before the City has an opportunity to develop regulations.

ORDINANCE NO. 4352

An Ordinance Imposing a Moratorium on the Establishment of Businesses Relating to Commercial Cannabis Activity

Whereas, the Kansas legislature has considered and may enact legislation on some unknown future date that deals with commercial cannabis activity that may encompass medicinal and/or recreational use.

And Whereas, the City currently has no ordinances in place to reasonably regulate commercial cannabis activity.

And Whereas, the City wishes to have sufficient time to study commercial cannabis activity before enacting regulatory ordinances in the event that the Kansas legislature enacts such legislation.

Now Therefore, BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Definitions.

- a. “cannabis” -- For purposes of this ordinance, the term “cannabis” shall mean all parts of the plant *Cannabis sativa* L, whether growing or not; 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 resin, provided however, it shall not cover or include activities relating to commercial industrial hemp as otherwise defined and permitted by Kansas statutes.
- b. “cannabis products” – means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Section 2. Moratorium. The City does hereby declare a moratorium on the establishment of any new commercial cannabis business within the city limits of the City of Independence. City staff is directed to administratively delay the processing of any applications

for applicable licenses, permits or zoning matters for a new commercial cannabis business during the period of time this moratorium is in effect.

Section 3. Duration. The moratorium shall continue in effect until such time as the governing body has had time to review and research any state statute which is enacted on the subject of commercial cannabis activity and determine the effect of any such state statute on the City's current business licensing procedures, applicable zoning laws, and other areas of general public health and safety concerns for the citizens of the City of Independence, provided however, the moratorium shall not exceed a period of six (6) months following the effective date of any state statute on the subject of commercial cannabis activity.

Section 4. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the _____ day of _____, 2021.

LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk