

ORDINANCE NO. 658

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 598 OF THE CITY OF LONG BEACH ZONING ORDINANCE, BY ADOPTING SECTION 139: MEDICAL CANNIBIS AND FOR RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi having made due investigation, therefore, do not find, determine, adjudicate and declare as follows:

A. That in the 2022 Mississippi legislative session Senate Bill 2095 authorizing medical cannabis within counties and municipalities in the State of Mississippi was approved and became effective upon passage.

B. That heretofore on April 14, 2022, the Planning & Development Commission of the City of Long Beach conducted hearings and at a regular meeting held pursuant to legal notice did adopt and recommend approval of amending the Unified Land Use Ordinance to include Section 139: Medical Cannabis, attached hereto as Exhibit A, by the Mayor and Board of Aldermen as reflected in the official Minutes of said meeting.

C. That as a result of the aforesaid public hearing and after consideration by the Mayor and Board of Aldermen of testimony and evidence presented and after due deliberation by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find and do now find, determine and adjudicate and declare that as a result of legalization of medical cannabis within the State of Mississippi the proposed amendment to the Unified Land Use Ordinance adopted hereby is needed and is clearly justified; that public need exists for adoption of the updated Comprehensive Unified Land Use Ordinance has been clearly shown: that certain zoning regulations are allowed by the City of Long Beach, Mississippi provided they are not in conflict with State law.

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:
SECTION ONE.

A. That the Mayor and Board of Aldermen having considered the comments and testimony at said hearing, all of the documents submitted into evidence and their own knowledge and familiarity with the City of Long Beach, hereby find and adjudicate as follows:

That the clear and convincing evidence established is that the City of Long Beach, Mississippi is in need of amending the Comprehensive Unified Land Use Ordinance, such action

being supported and recommended by the City of Long Beach Planning & Development Commission.

B. That the clear and convincing evidence establishes the public need for said amendment;

C. The changes will not be detrimental to present and potential uses, but will have a beneficial effect which could not be achieved without the amendment;

D. The proposed changes in conformance with the general intent of the Comprehensive Master Plan.

E. That the City of Long Beach Comprehensive Land Use Ordinance incorporated herein as Ordinance 598 is hereby amended to include Section 139: Medical Cannabis. This ordinance and resolution of the Mayor and Board of Aldermen of the City of Long Beach, Mississippi shall be deemed effective in the manner and time prescribed by law.


F. The City Clerk is hereby ordered to publish this ordinance and resolution in the manner and time required by law.

Alderman McGoey made a motion to approve the ordinance creating the amended Unified Land Use Ordinance and Section 139: Medical Cannabis, attached hereto. Alderman McCaffrey seconded the motion and the question being put to a roll call vote, the result was as follows:

Alderman Donald Frazer	voted	Aye
Alderman Patrick Bennett	voted	Absent, not voting
Alderman Bernie Parker	voted	Aye
Alderman Angie Johnson	voted	Aye
Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Mike Brown	voted	Aye
Alderman Pete L. McGoey	voted	Aye

The question having received the Affirmative vote of all of the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance No. 598 amended and approved, this 17th day of May, 2022.

APPROVED:



George L. Bass, Mayor

ATTEST:



Stacey Dahl, City Clerk

EXHIBIT A

Section 139: Medical Cannabis

1. General Requirements

- (a) For the purpose of this Section, medical cannabis shall include, but not limited to, all cannabis uses permitted in Senate Bill 2095.
- (b) For the purpose of this Section, all definitions of words related to cannabis use shall be as described in Senate Bill 2095.
- (c) An approved City of Long Beach, Mississippi business license is required to operate.
- (d) Any business duly licensed by the State of Mississippi to conduct legal use marijuana operations, as defined by state law, may operate within the appropriate zoning district so long as: (i) the entity maintains its State license in good standing; (ii) the entity maintains a Long Beach business license in good standing; and (iii) the entity otherwise remains in full compliance with the laws and regulations established by the State and the City of Long Beach.
- (e) No Long Beach business license to operate with the city shall be granted or renewed with evidence as may be required by the City Clerk's office to determine that the entity maintains all valid State licenses and approvals and said licenses remain in good standing.
- (f) All license fees associated with cannabis shall be set by the Long Beach Board of Aldermen.

2. Basic Site Requirements

- (a) All cannabis establishments shall meet or exceed the minimum distance requirements from a school, church or child care facility as set forth in Senate Bill 2095.
- (b) Location of and approval process of a cannabis dispensary, cultivation facility or processing facility shall be as designated in the Chart of Uses.
- (c) No legal cannabis use shall be operated as a home occupation in the City.
- (d) There shall be no on-site sales of alcohol or tobacco products and no on-site consumption of food, alcohol, tobacco or cannabis by patrons.
- (e) Hours of public operation shall be limited to 8:00 a.m. through 9:00 p.m. daily. No licensed business shall be open to the public during any other hours.
- (f) No person under the age of 18 shall be permitted on premise unless authorized by State or Local authority.
- (g) No signage shall display text and/or images intended to promote excessive consumption of legal cannabis products.
- (h) Signage shall comply with the sign requirements of the Long Beach Comprehensive Land Use Ordinance.

3. Cannabis Dispensary

- (a) No dispensary shall display any medical cannabis paraphernalia that may be used to administer cannabis in the public areas of the premises for general public sales. Sales for qualified patients shall be allowed.
- (b) The dispensary shall not provide other nonmedical cannabis health services or products as part of operation.
- (c) There shall be no consumption of cannabis on the premises of the dispensary.
- (d) Acceptance of a business license by the dispensary constitutes consent by the owners, managers, and employees to permit the City to conduct routine inspections for compliance to local laws.
- (e) A dispensary shall be located in a permanent building and may not be operated in any temporary structure.
- (f) No outdoor seating shall be permitted on premises.
- (g) All facilities will comply with any State regulations for adequate lighting, alarms,

security cameras and locks. In addition, the facility shall illuminate exterior areas of the premises, including parking areas, sidewalks and entrances.

Zoning Districts	C-1HD	C-2	C-2B	C-3	1-1	R-4
Dispensary	S	R	X	S		
Cultivation Facility					R	X
Processing Facility		R	X		R	