240411

CD-CPC-2024-00065

Summary: Amending the Zoning and Development Code 88-354 – Marijuana Facilities

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88-354-02 - STANDARDS AND CONDITIONS FOR ALL MARIJUANA FACILITIES

All marijuana facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall operate according to the local regulations applicable to all properties in zoning districts which allow the use of marijuana facilities.

88-354-02-A. DISTANCE REQUIREMENT FROM SCHOOLS

All comprehensive or medical marijuana cultivation facilities, comprehensive or medical marijuana-infused products manufacturing facilities, and marijuana testing facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 750 feet of any then-existing elementary or secondary school, as elementary and secondary schools are defined by state laws and regulations governing comprehensive and medical marijuana facilities.

All comprehensive or medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 300 feet of any then-existing elementary or secondary school, as elementary and secondary schools are defined by state laws and regulations governing comprehensive and medical marijuana facilities.

88-354-02-B. DISTANCE REQUIREMENT FROM CHURCHES AND DAY CARE CENTERS

All marijuana facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 300 feet of any then-existing church or daycare, as church and daycare are defined by state laws and regulations governing marijuana facilities.

NPD Amendments
2,000 ft

88-354-02-C

All comprehensive dispensary facilities, marijuana microdispensary facilities, or medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services, and authorized to operate under Article XIV, sections 1 and 2 of the Missouri Constitution, shall not be initially sited, at the time of application for license or for zoning approval, whichever is earlier, within 1,500 feet of any then-existing comprehensive dispensary facilities, marijuana micro dispensary facilities, or medical marijuana dispensary facilities.

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NPD Amendments
Method of measuring = straight-line (just for the dispensaries)

88-354-03-A. MEASUREMENT REQUIREMENT FOR FREESTANDING FACILITIES

In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

88-354-03-A

In the case of a freestanding facility, the distance between the facility and the school, daycare, dispensary, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, dispensary, or church. If the school, daycare, dispensary, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, dispensary, or church closet in proximity to the facility.

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88-354-04 - HOURS OF OPERATION

Comprehensive and Medical Marijuana dispensary facilities shall have limited hours of operation from 8:00 a.m. to 10:00 p.m.

88-354-04

Comprehensive and Medical Marijuana dispensary facilities shall have limited hours of operation from 8:00 a.m. to ~~10~~ 12:00 a.m ~~pm~~.

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88-805-04-V. RETAIL SALES

Businesses involved in the sale, lease, or rent of new or used products or merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores.

88-805-04-V. Retail Sales

Businesses involved in the sale lease, or rent of new or used products or merchandise to consumers. ~~Typical uses~~ For example, drug stores, gift shops, marijuana dispensaries, department stores, and apparel stores.

88-805-04-V. RETAIL SALES

Businesses involved in the sale, lease, or rent of new or used products or merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores. Also includes comprehensive marijuana dispensary facilities and medical marijuana dispensary facilities.

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88-805-05-B. MANUFACTURING, PRODUCTION AND INDUSTRIAL SERVICES

1. ARTISAN

   On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include food and beverage production such as distilleries, breweries, and caterers; small scale personal and household product manufacturing such as woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar types of arts and crafts; or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. LIMITED

   Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: comprehensive medical marijuana-infused products manufacturing facilities and medical marijuana-infused products manufacturing facilities, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; a contractor's establishment if the principal use is fabrication and manufacturing; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

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88-805-06 - AGRICULTURAL USE GROUP

The agricultural use group includes the following:

88-805-06-A. AGRICULTURE, CROP

The use of land for the production of row crops, field crops, tree crops; timber, bees, apiary products, or fur-bearing animals. Also includes comprehensive marijuana cultivation facilities and medical marijuana cultivation facilities.

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88-805-04-P. OFFICE

1. ADMINISTRATIVE, PROFESSIONAL OR GENERAL OFFICE

   Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include administrative offices, law offices, architectural firms, insurance companies, and government offices.

2. MEDICAL OFFICE

   Personal health services including prevention, diagnosis and treatment; rehabilitation services provided by physicians, dentists, nurses, and other health personnel; and medical testing and analysis services, including marijuana testing facilities. Typical uses include medical and dental offices, health maintenance organizations, blood banks, plasma centers, and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

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88-810-835 - MARIJUANA/MARIHUANA

88-810-835.2 - MARIJUANA FACILITY

88-810-835.3 - MARIJUANA TESTING FACILITY

88-810-836 - MARIJUANA-INFUSED PRODUCTS

88-810-835.2.2 - 4

Marijuana Microbusiness Dispensary Facility
A microbusiness facility licensed by the state where marijuana is dispensed for medical or adult use.

Marijuana Microbusiness Facility
A facility licensed by the state as a microbusiness dispensary facility or microbusiness wholesale facility.

Marijuana Research Facility
A facility licensed by the state where activities intended to facilitate scientific research or education related to marijuana product occur.

Marijuana Microbusiness Wholesale Facility
A microbusiness facility licensed by the state where marijuana cultivation operations for medical or adult use occur and/or where marijuana-infused projects and projects are manufactured for medical or adult use.

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88-510-07 - REVIEW CRITERIA

In reviewing and making decisions on zoning and development code text amendments, the city planning and development director, city plan commission and city council must consider at least the following factors:

88-510-07-A. whether the proposed zoning and development code text amendment corrects an error or inconsistency in the zoning and development code or meets the challenge of a changing condition;

88-510-07-B. whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this zoning and development code; and

88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

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88-510-07-C. whether the proposed zoning and development code text amendment is in the best interests of the city as a whole.

Article XIV of the Missouri Constitution allows municipalities to enact regulations for marijuana uses if those regulations do not make their operation unduly burdensome or specifically prohibited.

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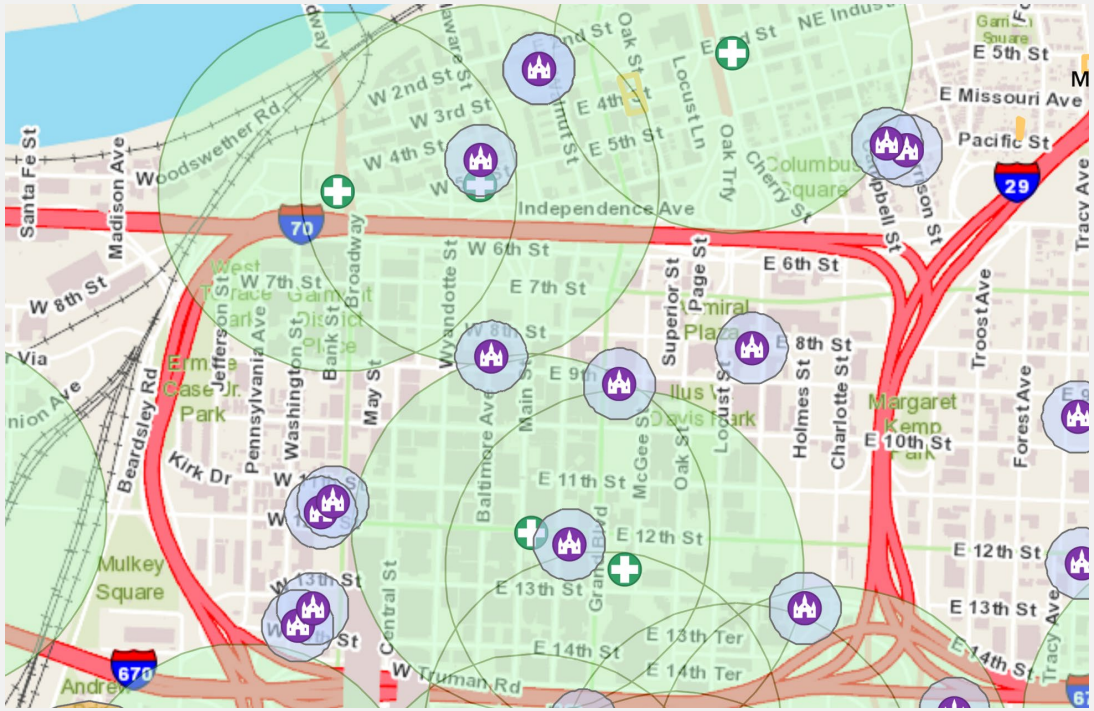
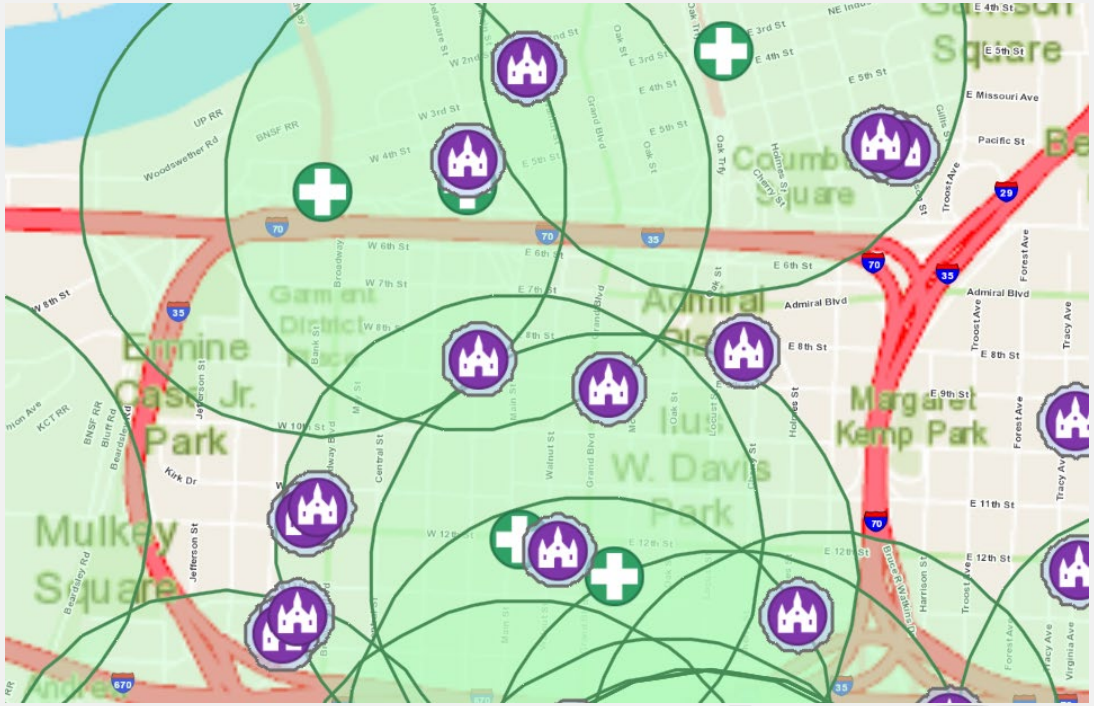


1,500 ft



2,000 ft

*Impossible to have a 100% accurate analysis due to potential changing conditions. Needs case-by-case review (which occurs when licenses are issued by the state)

* Proceed forward with caution adding additional buffers or protected uses, as the Article XIV of the Missouri Constitution may be violated.

CD-CPC-2024-00075

City Staff Recommendation

Approval, Subject to Conditions

City Plan Commission Recommendation

Approval, Subject to Conditions

1. Committee sub for Ordinance 240411 is prepared before Neighborhood Planning and Development Committee review.

CD-CPC-2024-00075

City Council Discussions post 6/25.

Point 1: New Distance Requirement
The proposed amendment adds a distance requirement between one dispensary and another --> 2,000 ft.

Point 2: Method of Measuring Distance
The method for measuring distance between two dispensaries is by the straight-line method, or as the crow flies.

Point 3 (Double Check, in light of feedback from councilmembers): Hours of Operation
The hours of operation for dispensaries is changed from 10 pm to 12 am.

Point 4 (TBD): Modified Distance Requirement
The proposed amendment increases existing distance requirements between a dispensary and a school and a daycare to [**HOW MANY**] feet.