

INTRODUCED BY: Councilmember Steve McMahon

DATE: May 13, 2019

BILL NO. 9385

ORDINANCE NO. 7102

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING, BY AMENDING SECTIONS 400.030; 400.510; 400.570; 400.620; 400.630 AND ADDING DIVISION 15 TO ARTICLE V OF CHAPTER 400 (ZONING CODE) THEREOF, RELATING TO MEDICAL MARIJUANA REGULATIONS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

WHEREAS, Chapter 400 (Zoning Code) of the Municipal Code of the City of University City, Missouri divides the City into several zoning districts and regulates the district regulations pertaining to allowed uses within the City's underlying zoning districts; and

WHEREAS, Article I, Section 400.010(A) of the Zoning Code of the City of University City, was adopted for the purpose of ensuring that the development of land within the City occurs in a manner that protects, provides for and promotes public health, safety, convenience, comfort, and general welfare of the residents of University City; and

WHEREAS, on November 6, 2018 the voters of the State of Missouri approved an amendment to Article XVI of the State Constitution establishing a Right to Access Medical Marijuana and allowing for the limited legal production, distribution, sale and purchase of marijuana for medical use; and

WHEREAS, the City desires to amend the University City Zoning Code to clarify the regulations regarding medical marijuana in accordance with the purposes of the State Constitution; and

WHEREAS, the City desires to protect the public health and safety by establishing reasonable regulations on Medical Marijuana related businesses regarding noise, air quality, neighborhood safety, security, and other health and safety concerns; and

WHEREAS, the City Plan Commission in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on April 24, 2019, at 6:30 pm recommended an amendment of Sections 400.030; 400.510; 400.570; 400.620; 400.630 and adding Division 15 To Article V of Chapter 400 (Zoning Code), and

WHEREAS, due notice of a public hearing to be held by the City Council in the 5th Floor City Council Chambers at City Hall at 6:30 pm, May 28, 2019, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on May 10, 2019; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment of the Zoning Code were duly heard and considered by the City Council.

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

Section 1. Chapter 400, Article II, Section 400.030 “Definitions” is hereby amended by adding the following definitions and leaving all other provisions of Section 400.030 unaltered:

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana Infused Products Manufacturing Facility.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a Qualifying Patient, a Primary caregiver, another licensed Dispensary Facility, a licensed Testing Facility, or a licensed Manufacturing Facility.

MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

Section 2. Chapter 400, Article IV, Division 7, Section 400.510 “Conditional Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.510 unaltered:

31. Medical Marijuana Cultivation Facility
32. Medical Marijuana Dispensary Facility
33. Medical Marijuana Infused Products Manufacturing Facility
34. Medical Marijuana Testing Facility

Section 3. Chapter 400, Article IV, Division 8, Section 400.570 “Conditional Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.570 unaltered:

11. Medical Marijuana Dispensary Facility

Section 4. Chapter 400, Article IV, Division 9, Section 400.620 “Permitted Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.620 unaltered:

27. Medical Marijuana Dispensary Facility

Section 5. Chapter 400, Article IV, Division 9, Section 400.630 “Conditional Uses” is hereby amended by adding the following to subsection “A” and leaving all other provisions of Section 400.630 unaltered:

26. Medical Marijuana Cultivation Facility

27. Medical Marijuana Infused Products Manufacturing Facility

28. Medical Marijuana Testing Facility

Section 6. Chapter 400, Article V (Supplementary Regulations) is hereby amended by adding the following Division 15 and leaving all other provisions of Article V unaltered:

Division 15 Medical Marijuana Regulations

Section 400.1495

A. Standards for Medical Marijuana Dispensary Facility

No building shall be constructed, altered, or used for a Medical Marijuana Dispensary without complying with the following regulations.

1. **Buffer Requirement.** No Medical Marijuana Dispensary shall be located within Five Hundred (500) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, child care center, or church, to the main public entrance of the medical marijuana business.
2. **Residential Zoning Buffer Requirement.** No Medical Marijuana Dispensary shall be located within One Hundred Fifty (150) feet of a residentially zoned district. Measurements shall be made in a straight line, without regard to intervening structures, from the main public entrance of the medical marijuana business to the nearest property line of the residentially zoned district.
3. **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

4. **Hours of Operation.** All Medical Marijuana Dispensaries shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.
5. **Display of License Required.** The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. **Residential Dwelling Units Prohibited.** No Medical Marijuana Dispensary shall be located in a building that contains a residence.
7. **Ventilation Required.** All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

B. Standards for Medical Marijuana Cultivation, Infused Manufacturing & Testing Facilities

No building shall be constructed, altered, or used for a Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility without complying with the following regulations.

1. **Buffer Requirement.** No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located within One Thousand (1000) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements between the facility and the school, daycare, or church shall be measured from the property line of the facility to the closest point of the property line of the school, daycare, or church. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
2. **Residential Zoning Buffer Requirement.** No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located within One Thousand (1000) feet of a residentially zoned district. Measurements between the facility and the residentially zoned district shall be measured from the property line of the facility to the closest point of the property line of the residentially zoned district. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
3. **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
4. **Hours of Operation.** All Medical Marijuana Cultivation, Infused Manufacturing or Testing Facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the

premises or by delivery from the premises between the hours of 10:00 P.M. and 8:00 A.M.

5. **Display of License Required.** The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. **Residential Dwelling Units Prohibited.** No Medical Marijuana Cultivation, Infused Manufacturing or Testing Facility shall be located in a building that contains a residence.
7. **Ventilation Required.** All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

Section 7. This ordinance shall not be construed to so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of said Sections mentioned above, nor bar the prosecution for any such violation.

Section 8. Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be subject to the penalty provided in Title 1 Chapter 1.12.010 of the Municipal Code of the City of University City.

Section 9. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this 28th day of May, 2019.



MAYOR

ATTEST:



CITY CLERK



CERTIFIED TO BE CORRECT AS TO FORM:



CITY ATTORNEY