

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 405, THE ZONING ORDINANCE, TO ALLOW FOR MEDICAL MARIJUANA RELATED USES

WHEREAS, an amendment to Missouri's constitution was approved by voters on November 6, 2018 to allow patient access to medical marijuana and to allow the limited production, distribution, testing, sale, and purchase of marijuana for medicinal purposes statewide; and

WHEREAS, medical marijuana uses will be licensed and regulated by the State of Missouri; and

WHEREAS, an application was submitted by the Director of Community Development for text amendments to various sections of the City's Zoning Ordinance to allow medical marijuana uses in appropriate zoning districts; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for such changes as set forth herein for conformity with state law and zoning practices that are consistent with public health and welfare; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on March 4, 2019, beginning at 6:30 p.m., or immediately following the close of the previous public hearing, and continuing to the April 1, 2019 Planning and Zoning Commission Meeting, beginning at 6:30 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 6-0 recommended approval of the subject amendments at its meeting on April 1, 2019; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest, and

WHEREAS, the City Council has determined that this ordinance should be reviewed one year after enactment to determine its effectiveness,

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

SECTION 1. Table A, Permitted and Conditional Uses, is amended by adding the following uses in the manner shown below

Use Code	2012 NAICS Title	ZONING DISTRICTS														
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI	
CC111419	Medical Marijuana Cultivation Facility, inside a building or greenhouse as defined under Section 405.120										C					C
325414	Biological Product (except Diagnostic) Manufacturing										C					C
CC325415	Medical Marijuana Manufacturing Facility, entirely within an enclosed building as defined under Section 405.120										C					C
453998	All Other Miscellaneous Store Retailers (except auction houses, pool and hot tub sales/supplies and cemetery memorial dealers)											P	P	P	P	P
CC453999	Medical Marijuana Dispensary Facility as defined under Section 405.120								P		P	P	P	P	P	P
541380	Testing Laboratories									P	P		P	P	P	P
CC541381	Medical Marijuana Testing Facility as defined under Section 405.120										P					P

SECTION 2. Section 405.120 Definition of Terms of the Creve Coeur Code of Ordinances is hereby amended to include the following new definitions as follows:

MARIJUANA OR MARIHUANA: *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS: products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

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 to a Medical-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 in accordance with applicable law and regulations.

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 Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.

MEDICAL MARIJUANA TESTING FACILITY: a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

SECTION 3. Section 405.450 Permitted Uses is amended to include a new Subsection G as follows:

- G Medical Marijuana Dispensary Facility (NAICS CC453999) and Medical Marijuana Testing Facility (NAICS CC541381) as defined in Section 405.120, which abide by all applicable laws and regulations, are permitted uses in the zoning districts as shown in Table A Permitted and Conditional Uses, but no Medical Marijuana Dispensary Facility shall be sited on a property within three hundred (300) feet of a property of any then-existing elementary or secondary school. Measurements shall be made from the closest property line of the proposed Dispensary Facility to the closest property line of any such other use listed in this section.

SECTION 4. Section 405.470 Conditional Uses is amended to include a new entry to Subsection A as follows:


- 33. Medical Marijuana Cultivation Facility (NAICS CC111419) and Medical Marijuana-Infused Products Manufacturing Facility (NAICS CC325415) as defined in Section 405.120, which abide by all applicable laws and regulations, are conditional uses in the zoning districts as shown in Table A Permitted and Conditional Uses, subject to the following specific standards:
 - a. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance per Section 405.550 or Chapter 215, as applicable. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.
 - b. Marijuana cultivation and processing activities shall occur only within an enclosed building.

BILL NO. 5761

ORDINANCE NO. 5637

SECTION 5. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter. The City Administrator shall initiate a review of this ordinance one year after enactment, to facilitate Council review of its effectiveness.


ADOPTED THIS 22nd DAY OF April, 2019.


SCOTT SAUNDERS
PRESIDENT OF CITY COUNCIL

APPROVED THIS 22nd DAY OF April, 2019.


BARRY GLANTZ
MAYOR

ATTEST:


DEBORAH RYAN
CITY CLERK