

BILL 10762

ORDINANCE 10602

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL CODE, APPENDIX A – ZONING, REGARDING THE REGULATION OF MEDICAL MARIJUANA.

WHEREAS, Amendment 2 to the Missouri Constitution, which allows state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions while also granting the authority to local municipalities to regulate the time, place, and manner of said uses without prohibiting said uses expressly or otherwise, was approved by voters on November 6, 2018; and

WHEREAS, on the 1st day of May, 2019, Staff made an introduction presentation to the Planning and Zoning Commission (PZ-1-20); and

WHEREAS, on the 15th day of May, 2019, the Planning and Zoning Commission discussed and recommended approval of amendments to the Zoning Code related to Medical Marijuana consistent with the recommendation included in the Staff report dated April 29, 2019 as amended; and

WHEREAS, on the 6th day of June, 2019, the City Council did hold a public hearing with respect to such amendments to the Zoning Code after duly advertising and giving proper notice of such hearing.

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

SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following defined terms in Section A-140.1:

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 Facility – A facility licensed by the State of Missouri including the following:

(a) 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 Marijuana-Infused Products Manufacturing Facility.

- (b) 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 as provided by the State of Missouri to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
- (c) 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.
- (d) Medical Marijuana Testing Facility – A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

SECTION 2. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following use category in Section A-520.3, Special Uses and renumbering subsequent use categories as necessary.

520.3 (43) Medical Marijuana Dispensary Facility subject to regulations of Section A-520.12

SECTION 3. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting a new section, A-520.12 as follows:

520.12 Medical Marijuana Facility Regulations. All Medical Marijuana Facilities as defined in Section A-140, whether considered permitted or special uses, shall be subject to the following regulations:

- (1) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, day-care center, or public park. Said distance shall be measured according to the published regulations issued by the State of Missouri.
- (2) Such facility shall be located a minimum 500 feet from another medical marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.
- (3) The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.
- (4) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

SECTION 4. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting the following use categories in Section A-600.3, Special Uses and renumbering subsequent use categories as necessary.

- 600.3 (27) Medical Marijuana Cultivation Facility subject to regulations of Section A-600.11
(28) Medical Marijuana Dispensary Facility subject to regulations of Section A-600.11
(28) Medical Marijuana-Infused Products Manufacturing Facility subject to regulations of Section A-600.11
(28) Medical Marijuana Testing Facility subject to regulations of Section A-600.11

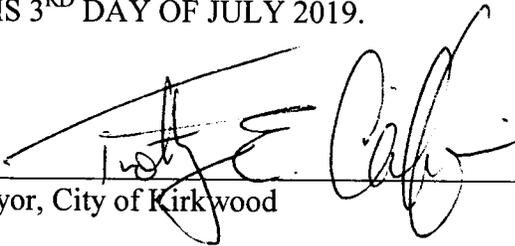
SECTION 5. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by inserting a new section, A-600.11 as follows:

600.11 Medical Marijuana Facility Regulations. All Medical Marijuana Facilities as defined in Section A-140 shall be subject to the following regulations:

- (3) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, day-care center, or public park. Said distance shall be measured according to the published regulations issued by the State of Missouri.
- (4) Such facility shall be located a minimum 500 feet from another medical marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.
- (3) The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.
- (4) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.

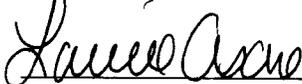
SECTION 6. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 3RD DAY OF JULY 2019.



Mayor, City of Kirkwood

ATTEST:



City Clerk

City Clerk

Public Hearing: June 6, 2019

1ST Reading: June 20, 2019

2nd Reading: July 3, 2019