

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL CODE TITLE IV: LAND USE, RELATED TO MEDICAL MARIJUANA FACILITIES.

WHEREAS, on November 6, 2018, a majority of the qualified voters of the State of Missouri approved the adoption of Amendment 2 to the Missouri Constitution, to enact Article XVI, Section 1, relating to medical marijuana, which became effective on December 6, 2018; and

WHEREAS, Amendment 2 permits cities to enact ordinances not in conflict therewith governing the time, place, and manner of operation of medical marijuana facilities; and,

WHEREAS, the City of Lake Saint Louis wishes to regulate the location and operation of medical marijuana facilities to protect the health, safety, and welfare of the residents, businesses, and property owners in the City; and,

WHEREAS, the Planning and Zoning Commission for the City of Lake Saint Louis, subsequent to a Public Hearing prescribed by law and held on May 2, 2019, has recommended approval of the requested text amendment, with the condition that no Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be located within 1,000 feet of a public park or public recreational facility; and

WHEREAS, upon due consideration, the Board of Aldermen finds and determines that good planning practice and the public health, safety and general welfare would be best served by approving the text amendment as hereinafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LAKE SAINT LOUIS, MISSOURI, AS FOLLOWS:

SECTION 1. The following provisions of Title IV: Land Use of the Lake Saint Louis Municipal Code are hereby amended as documented below (additions in bold, deletions struck through):

Chapter 405 Development Regulations and General Provisions

Article II Definitions

Section 405.190 Usage

AGRICULTURE OR FARMING

The planting, cultivating, harvesting and storage of grains, hay or plants, vineyards or trees, **excluding marijuana**. The raising and feeding of livestock and poultry shall be considered an agricultural

venture if the area in which the livestock or poultry is kept contains ten (10) acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

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” does 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 Missouri Department of Health and Senior Services 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.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, sell, transport and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section 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.

**MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURING FACILITY**

A facility licensed by the Department 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 Department to acquire, test, certify, and transport Marijuana.

Chapter 410 Zoning Districts and Regulations

Article VI "CB" Community Business District

Section 410.340 Uses Permitted By Site Plan Approval

A. The following uses shall be permitted in the "CB" District provided that the total gross floor area of any structure or structures shall not exceed a one and twenty-five hundredths (1.25) floor area ratio (FAR) and further providing that the following uses shall be permitted in accordance with the provisions of site plan review, Chapter 430, Article IV.

1. All uses permitted in Section 410.330 which exceed two thousand (2,000) square feet.
2. Household appliance sales and repair.
3. Home and office furniture stores.
4. Pet shops, pet sales, food and supplies.
5. Garden supplies.
6. Hardware, paint, glass or wallpaper sales.
7. Medical or dental clinic or laboratories.
8. Printing, lithography and publishing (including office duplicating).
9. Retail store or market providing the convenience needs of the City's residents.
10. Hotels and motels.
11. Auditoriums and other assembly halls.
12. Indoor theaters or cinemas.
13. Business, institutional, governmental, professional and medical offices at a density of up to two (2.0) FAR.
14. Private clubs whose chief activity is customarily carried on as a business.
15. Financial institutions with drive-in facilities.
- 16. Medical Marijuana Dispensary Facility in accordance with Chapter 430, Article VI.**

Article VII Office and Research Park District

Section 410.380 District Uses

A. The following uses shall be permitted provided the total gross floor area does not exceed a two (2.0) FAR and are subject to site plan review and approval Chapter 430, Article IV. Environmental design standards shall apply to the review.

1. Basic permitted uses.

- a. Offices including commercial, professional, executive, institutional and medical occupancy.

b. Research and development establishments provided that the occupancy of such a facility does not exceed one (1) employee per one hundred seventy (170) square feet of gross laboratory or office space at any one period of the day.

c. Accessory retained uses provided that same shall not exceed ten percent (10%) of the total gross floor area within the development, and provided that such uses are intended primarily for the use and convenience of the occupants of the development.

d. Medical Marijuana Testing Facility in accordance with Chapter 430, Article VI. Any proposed use that is not listed above shall be reviewed by the Planning and Zoning Commission and forwarded with a recommendation to the Board of Aldermen for final determination and approval.

Article VIII "LI" Light Industrial District

Section 410.405 Permitted Uses

A. All existing buildings, structures and properties located within this zone shall be maintained in conformity with the following provisions and with all other applicable provisions of the Municipal Code of the City of Lake Saint Louis, including those provisions identified in Chapter 430, Article I regulating the emission of odor, smoke, toxic gases, dirt, dust, fly ash and other particulate matter, the generation of noise and vibration and relating to fire prevention and safety. All buildings and structures that are hereafter erected, structurally altered or enlarged within this zone shall be erected, structurally altered or enlarged and maintained only in conformity with the following provisions and with all other applicable provisions of the Municipal Code of the City of Lake Saint Louis, including those provisions identified in Chapter 430, Article I regulating the emission of odor, smoke, toxic gases, dirt, dust, fly ash and other particulate matter, the generation of noise and vibration and relating to fire prevention and safety.

1. Basic permitted uses.

- a. Bottling and canning facility.
- b. Cabinetmaking, planing mill, carpentry and woodworking plant.
- c. Chemical laboratory not emitting fumes or odors outside the building.
- d. Food lockers, cold storage facilities.
- e. General business offices.
- f. Business offices of labor unions and labor organizations.
- g. Laboratories, research, experimental or testing, excluding explosives and Class IV drugs and above.
- h. Laundry and linen supply services.
- i. Lumberyard.
- j. Machine shop, photoengraving, plumbing or sheet metal shop.

k. Manufacturing or processing or assembly of materials and products similar to those listed below.

- (1) Aircraft and accessories.
- (2) Appliances (household and electrical).
- (3) Athletic and sporting goods.
- (4) Bags/boxes — excluding jute type materials
- (5) Bakery goods.
- (6) Brooms and brushes.
- (7) Candy.
- (8) Canvas products.
- (9) Watches and clocks.
- (10) Clothing.
- (11) Communication equipment.
- (12) Computer and data processing equipment.
- (13) Electrical equipment and wiring.
- (14) Engineering, laboratory, scientific equipment.
- (15) Furniture.
- (16) General hardware.
- (17) Glass or glass containers.
- (18) Hats and caps.
- (19) Ice and frozen desserts.
- (20) Industrial belting and packing.
- (21) Medical and surgical instruments.
- (22) Musical instruments and supplies.
- (23) Newspaper, printing and publishing.
- (24) Office machines and products.
- (25) Pipe products, excluding plastic based pipes.
- (26) Radio, television products.
- (27) Shoes and boots.
- (28) Signs.
- (29) Stone products and cut stone.
- (30) Syrups.
- (31) Terra-cotta.
- (32) Textiles.
- (33) Tobacco, tobacco products and cigars.
- (34) Toys.
- (35) Wall coverings.

l. Masonry, marble, tile or stonework operation.

m. Medical laboratory and services.

n. Medical Marijuana Cultivation Facility in accordance with Chapter 430, Article VI.

o. Medical Marijuana Testing Facility in accordance with Chapter 430, Article VI.

p. Medical Marijuana-Infused Products Manufacturing Facility in accordance with Chapter 430, Article VI.

q. Office facilities for carrying out administrative functions in connection with any of the permitted uses or for the sale and/or display of industrial and commercial goods.

r. Recreational uses (enclosed or open), including tennis, handball or paddle-ball, swimming, skating, gymnasiums or health club, bowling, etc., but excluding outdoor theatres.

ps. Rental, sale or repair of commercial or industrial machinery and equipment.

qt. Warehousing and associated wholesale/retail sales of individual specialty products similar to:

- (1) Agricultural fertilizers (non-hazardous).
- (2) Air conditioning, refrigeration equipment.
- (3) Alcoholic beverages, wines, spirits.
- (4) Apparel and accessories.
- (5) Appliances (household and electrical).
- (6) Building materials.
- (7) Construction equipment.
- (8) Drug, drug proprietary Class III and below.
- (9) Electrical supplies.
- (10) Electronics, electrical equipment, wiring supplies.
- (11) Equipment and supplies for service establishments.
- (12) Farm supplies.
- (13) Furniture and home furnishings.
- (14) Garden supplies and landscape supplies.
- (15) General contractor service supplies.
- (16) Grocery supplies.
- (17) Hardware products.
- (18) Household goods, non-hazardous products.
- (19) Lumber and building materials.
- (20) Paper and paper products.
- (21) Research, development or testing products.
- (22) Shoes and boots.
- (23) Tobacco and tobacco products.

ru. Shipping and distribution facility.

sv. Utility substation for electric, water, gas or telephone.

tw. Welding, blacksmith supply, production, service facility.

ux. Any proposed use that is not listed above shall be reviewed by the Planning and Zoning Commission and forwarded with a recommendation to the Board of Aldermen for final determination and approval.

Article XII "HC" Highway Commercial District

Section 410.580 Permitted Uses

A. The following shall be considered basic permitted uses, provided that the total floor area of any structures shall not exceed a one and twenty-five hundredths (1.25) floor area ratio (FAR).

1. Stores, shops and retail uses, including:

- a. Accounting, computing, office machine — retail.
- b. Antiques — retail.
- c. Apparel and accessories — retail.
- d. Appliances (household) — retail.

- e. Automobile parts and supplies — retail.
- f. Bagel shops — retail.
- g. Bakeries manufacturing — retail.
- h. Bicycles — retail.
- i. Books, magazines, periodicals — retail.
- j. Cameras and photographic supplies — retail.
- k. Candy, nut and confectionery — retail.
- l. China, glassware, metalware — retail.
- m. Cigarettes and cigars — retail.
- n. Coffee shops/houses — retail.
- o. Convenience store or food shop.
- p. Crafts — retail.
- q. Home decor — retail.
- r. Department, variety and discount stores — retail.
- s. Electrical supplies — retail.
- t. Electronics — retail including the sale of radios, televisions and other consumer electronics.
- u. Farm supplies — retail.
- v. Fish and seafood — retail.
- w. Floor coverings — retail.
- x. Florists — retail.
- y. Frozen desserts and ice cream — retail.
- z. Fruits and vegetables — retail.
- aa. Furniture — retail.
- ab. Furriers and fur apparel — retail.
- ac. Garden supplies and displays including outdoor storage.
- ad. Gasoline service stations — retail.
- ae. General stores — retail.
- af. Gifts, novelties and souvenirs — retail.
- ag. Glass, paint and wallpaper — retail.
- ah. Hardware — retail.
- ai. Hearing aids, optical goods, orthopedic appliances and other similar devices — retail.
- aj. Heating and plumbing equipment and supplies — retail.
- ak. Hobby supplies — retail.
- al. Home and building stores including indoor lumberyards.
- am. Home furnishings — retail.
- an. Jewelry — retail.
- ao. Liquor — retail.
- ap. Meats — retail.
- aq. Medical Marijuana Dispensary Facility in accordance with Chapter 430, Article VI.**
- aqar. Monuments — retail.
- aras. Musical instruments and supplies — retail.
- asat. Office and business equipment sales and service.
- atau. Office supplies — retail.
- auav. Pet supplies — retail.
- avaw. Pharmacies — retail.
- awax. Retail sale, rental and leasing of new automobiles and other new light motor vehicles.

axay. Shoes — retail.
ayaz. Sporting goods — retail.
azba. Stationery — retail.
babb. Supermarket or grocery.

Article XIII "BP" Business Park District

Section 410.620 Permitted Uses

A. Permitted land uses and developments shall be established in the conditions of the ordinance governing any particular Business Park District. All proposed uses shall be reviewed on a case-by-case basis and shall be allowed in any particular "BP" District only when found to be in compliance with an approved development plan. The following uses and types of uses shall be encouraged in the "BP" District in accordance with the provisions for site plan reviews and in accordance with approved area-wide plans which have been adopted by the Board of Aldermen. However, uses proposed for existing structures which would not result in the exterior modification of buildings or land and which satisfy the "Conditions of Use" of this Article may be authorized by the City Development Administrator without Planning Commission approval. The Planning and Zoning Commission shall determine if proposed uses meet the standards set forth in the "Conditions of Use" Section of this Article. Following is a listing of the type of uses this district is intended to encourage and may permit, however, this list is neither inclusive or exclusive of all possible types of uses.

1. Arenas and stadiums.
2. Broadcasting studios and facilities for radio, TV, telephone.
3. Cemeteries.
4. Convention facilities.
5. Day care facilities.
6. Hospitals, medical offices, clinics.
7. Hotels, motels.
8. Medical and dental facilities.
9. Adult retirement community, retirement community, housing which restricts occupancy to the age of the occupants.
10. Offices, office buildings.
11. Public buildings.
12. Recreation facilities including, but not limited to, golf course, clubhouse, swimming pool, tennis courts, running paths, amphitheater.
13. Research facilities.
14. Restaurants.
15. Schools, colleges, public and private.
16. Assisted living facilities.
17. **Medical Marijuana Testing Facility in accordance with Chapter 430, Article VI.**
18. Any proposed use that is not listed above shall be reviewed by the Planning and Zoning Commission and forwarded with a

recommendation to the Board of Aldermen for final determination and approval.

Chapter 430 Additional Development Standards

Article VI Medical Marijuana Facilities

Section 430.660 Purpose and Intent

- A. The purpose of this Article is to regulate the placement and operation of facilities for the dispensing, selling, cultivating, manufacturing, storing, and testing of marijuana and marijuana-infused products, to the extent permitted by the Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and to protect the health safety, and welfare of the residents, businesses, and property owners in the City.**

Section 430.670 Definitions

- A. The applicable definitions in Section 405.190 shall apply in interpretation and enforcement of this Article, unless otherwise specifically stated. Terms not expressly defined in Section 405.190 shall have the meaning set forth in Mo. Const. art. XVI, Section 1(2), enacted as Amendment 2 (2018) to the Missouri Constitution and approved by Missouri voters on November 6, 2018, relating to access to medical marijuana, if defined therein.**

Section 430.680 Licensing Requirements

- A. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services.**
- B. No marijuana or marijuana-infused products shall be acquired, certified, cultivated, delivered, manufactured, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.**
- C. Each Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall at all times possess a current City business license. By obtaining a City business license, the facility licensee irrevocably consents to the immediate closure and cessation of operation of the facility in addition to all other penalties or remedies available by law for the failure to possess a current City business license.**

Section 430.690 Location Requirements

- A. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be located within the following:**
- 1. 1,000 feet of a parcel of land which is owned and occupied by a religious institution, educational institution, or a licensed child daycare center.**
 - 2. 1,000 feet of another Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility except when marijuana sales represents less than 5% of the dollar volume of business in a state or federally licensed pharmacy. Facilities under the same ownership and on the same property are exempt from this requirement.**
 - 3. 1,000 feet of a public park or public recreational facility.**
 - 4. 500 feet of a residential zoning district.**
- B. The distances described in this Section shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the nearest portion of the building housing the Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility, using a straight line.**
- C. The distances described in this section may be reduced by the Board of Aldermen, upon recommendation of the Planning and Zoning Commission, and in such instances, approval of a Special Use Permit is required in accordance with Section 405.340.**

Section 430.700 Other Requirements

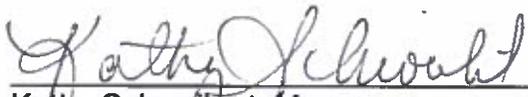
- A. A Medical Marijuana Dispensary Facility may open no earlier than eight o'clock (8:00) A.M. and shall close no later than ten o'clock (10:00) P.M. the same day. A Medical Marijuana Dispensary Facility may be open seven (7) days a week.**
- B. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall emit an odor or in any way cause a public nuisance as defined in Chapter 220. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.**
- C. The consumption, inhalation or other personal use of marijuana or marijuana-infused products on or within the premises of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing**

Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility is prohibited.
D. The consumption, inhalation or other personal use of marijuana or marijuana-infused products on or within the premises of a Medical Marijuana Testing Facility is permitted during the testing process and only as it relates to the testing process.

SECTION 2. All other code sections shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 20th DAY OF May, 2019.



Kathy Schweikert, Mayor

ATTEST: 

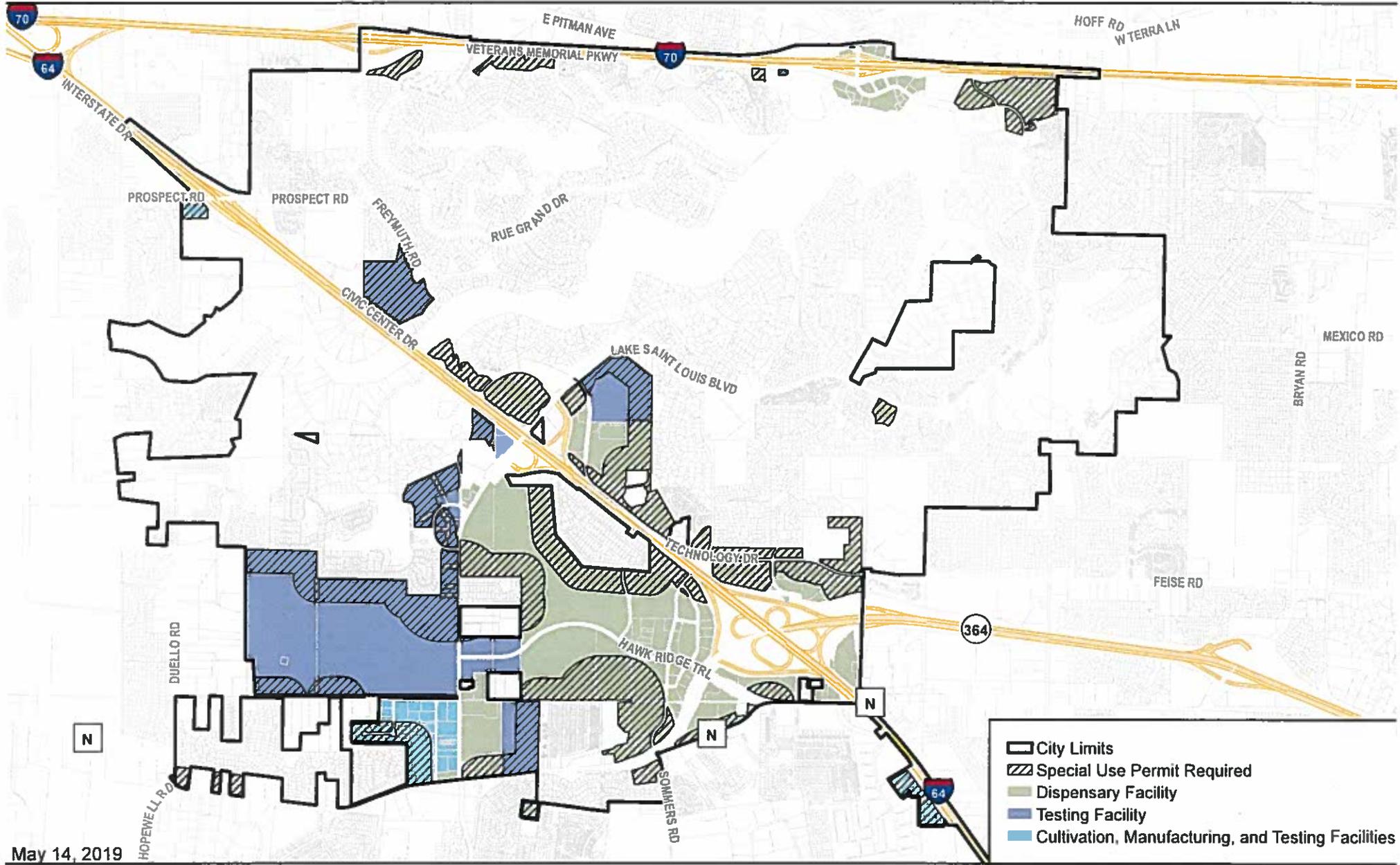
Donna F. Daniel, City Clerk

APPROVED AS TO FORM: 

Matthew Reh, City Attorney

Potential Locations of Medical Marijuana Facilities

City of Lake Saint Louis



May 14, 2019



- City Limits
- Special Use Permit Required
- Dispensary Facility
- Testing Facility
- Cultivation, Manufacturing, and Testing Facilities

This map is not intended for conveyances or other area calculations. Information contained here is based on the best available sources at the time of production. The reproduction or distribution of any part of the document is prohibited without the written consent from the City of Lake Saint Louis. The City of Lake Saint Louis does not make any warranties to its representation or accuracy.