

BILL NO. 1738
INTRODUCED BY: Alderman Newman

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF WARSON WOODS,
MISSOURI AMENDING VARIOUS SECTIONS OF TITLE
IV OF THE MUNICIPAL CODE OF THE CITY OF WARSON
WOODS AS THE SAME RELATE TO MEDICAL AND
RECREATIONAL MARIJUANA LAND USE
REGULATIONS**

WHEREAS, on November 8, 2022, Missouri voters approved Constitutional Amendment Three, codified at Article XIV, of the Missouri Constitution (“Article XIV”); and

WHEREAS, Amendment Three amended various provisions of Article XIV, Section 1 relating to the right to access medical marijuana; and

WHEREAS, Amendment Three’s passage enacted Article XIV, Section 2, which provides for the legalization of the purchase and possession of certain amounts of marijuana for recreational use in the State of Missouri; and

WHEREAS, Article XIV preserves local authority to regulate the location of medical and recreational marijuana facilities; and

WHEREAS, the Board of Aldermen and the Planning and Zoning Commission held public hearings on the proposed amendments to the City’s zoning regulations; and

WHEREAS, at these public hearings interested persons and residents were given an opportunity to be heard on this proposed amendments to the City’s zoning regulations; and

WHEREAS, the Board of Aldermen hereby finds and determines that it is to the benefit of the health, safety and general welfare of the residents of the City to include medical and recreational marijuana facilities within the City’s zoning regulations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 400.020 of the Municipal Code of the City of Warson Woods, Missouri, by and is hereby amended by deleting the definitions of “Administer Medical Marijuana,” “Marijuana or Marihuana,” “Marijuana-Infused Products,” “Medical Marijuana Cultivation,” “Medical Marijuana Cultivation Facility,” “Medical Marijuana Cultivation Identification Card,” “Medical Marijuana Dispensary Facility,” “Medical Marijuana Facility, Industrial,” “Medical Marijuana Medical Use,” “Medical Marijuana Testing Facility,” “Medical Marijuana Use,” “Medical Marijuana-Infused Products Manufacturing Facility,” and “Qualifying Patient,” in their entirety, and enacting, in lieu thereof, new definitions of “Marijuana or Marihuana,” “Marijuana-Infused Products,” “Cultivation,” “Medical Marijuana Cultivation Facility,” “Qualifying Patient Identification Card,” “Medical Marijuana Dispensary Facility,”

“Medical Marijuana Facility” “Marijuana Testing Facility,” “Medical Marijuana-Infused Products Manufacturing Facility,” and “Qualifying Patient.”

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 marijuana plant and marijuana-infused Products. "marijuana" or "marihuana" do not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS

Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

CULTIVATION

As related to activity authorized pursuant to Article XIV, Sections 1 and 2 of the Missouri Constitution, as applicable, and all rules and regulations issued by DHSS, the process by which a person, business or legal entity promotes the germination and growth of a seed to a mature marijuana plant.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the DHSS to acquire, cultivate, process, package, store on-site or off-site, transport to or from and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

QUALIFYING PATIENT CULTIVATION IDENTIFICATION CARD

An Identification Card, authorized by Article XIV, Section 1 of the Missouri Constitution, issued by DHSS allowing the holder to cultivate medical marijuana in amounts and in secure manners as authorized by Article XIV, Section 1 of the Missouri Constitution and DHSS, only to the extent authorized by applicable law.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by DHSS to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for pursuant to the terms of Article XIV, Section 1 of the Missouri Constitution to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

MEDICAL MARIJUANA FACILITY

Any one (1) of the following medical marijuana uses

1. Medical Marijuana Dispensary Facility
2. Medical Marijuana Cultivation Facility;
3. Medical Marijuana-Infused Products Manufacturing Facility;
4. Marijuana Testing Facility;
5. Medical Marijuana Transportation Facility;
6. Any other entity currently or hereafter included in and regulated by Article XIV, Section 1 of the Missouri Constitution which does not include retail sales of Medical Marijuana.

MARIJUANA TESTING FACILITY

A facility certified by DHSS to acquire, testing, certify, and transport Marijuana, including those originally licensed as a medical marijuana testing facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by DHSS to acquire, process, package, store on-site or off-site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

QUALIFYING PATIENT

Shall have the same meaning as set forth in 19 CSR 30-95.010(35) as amended.

SECTION 2. That Section 400.020 of the Municipal Code of the City of Warson Woods, Missouri, be and is hereby amended by enacting new definitions to read as follows:

DHSS

The Missouri Department of Health and Senior Services, or its successor agency.

CONSUMER

For purposes of marijuana regulations, a person who is at least twenty-one years of age.

COMPREHENSIVE FACILITY

A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

A facility licensed by DHSS to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical marijuana facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by DHSS to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided in Article XIV, Sections 1 and 2 of the Missouri Constitution to a consumer, qualifying patient, or primary caregiver, as those terms are defined in this Section, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations in Article XIV, Sections 1 and 2 of the Missouri Constitution and this Section and otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary facility directly from the consumer in person, by phone, or via the internet, including from

a third party. A comprehensive marijuana dispensary facility need to segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property tax for each sale, as set forth in Article XIV of the Missouri Constitution and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by DHSS to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

MARIJUANA FACILITY

Means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana related facility or business licensed or certified by the DHSS, but shall not include a medical marijuana facility licensed by the DHSS.

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by DHSS to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided pursuant to the terms of Article XIV, Sections 1 and 2 of the Missouri Constitution to a consumer, qualifying patient, or primary caregiver, as those terms are defined in this Section, anywhere on the licensed property or to any address directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV, Sections 1 and 2 and this Section and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

MICROBUSINESS WHOLESALE FACILITY

A facility licensed by DHSS to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering plants at any give time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

CONSUMER CULTIVAITON IDENTIFICAITON CARD

An identification card authorized pursuant to Article XIV, Section 2, of the Missouri Constitution, issued by the State of Missouri, allowing the holder to cultivate non-medical marijuana in amounts and in secure manners as authorized by DHSS, only to the extent authorized by applicable law.

PREROLL

A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or base at the product.

SECTION 3. That Subsection (D) of Section 415.020 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by adding new principal uses to the table therein to read as follows;

Comprehensive Marijuana Dispensary Facility
Microbusiness Dispensary Facility

SECTION 4. That Section 415.025 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Section 415.025 in its entirety and enacting, in lieu thereof, a new Section 415.025 to read as follows;

Section 415.025. Use Regulations – “D” Planned Development Light Manufacturing District

A. Intent. Due to the City's relatively small size and lack of appropriate land for the use, the Zoning Code, Warson Woods Comprehensive Plan, and Official Zoning Map of the City of Warson Woods do not identify light manufacturing uses as permitted. Additionally, while the City has not identified any specific areas in which manufacturing uses are permitted as of right, because the Missouri Constitution states, "[n]o local government shall prohibit medical marijuana cultivation facilities, marijuana testing facilities medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or

entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome," (Article XIV, Section 1.7(10)(a)) and "[n]o local government shall prohibit [comprehensive marijuana cultivation facilities, comprehensive marijuana dispensary facilities, marijuana testing facilities, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility] or entities with transportation certification either expressly or through the enactment of ordinances or regulations that make their operations unduly burdensome," (Article XIV, Section 2.5(5)), the City has created the "D" Planned Development Light Manufacturing District. The "D" Planned Development Light Manufacturing District is intended to create a process for high quality light industrial/manufacturing developments, that will not disturb the quiet enjoyment of the residential neighborhoods, will not create, engage in, or maintain a nuisance as defined in and described by Chapter 210, will not contribute to traffic congestion on Manchester Road, and will be of an intensity, location, and nature so as to be compatible with its surroundings.

B. Principal Uses.

1. As used in this Section, notwithstanding any other provision, the term "Industrial Medical Marijuana Facility" shall be defined to include medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, and marijuana testing facilities. As used in this Section, notwithstanding any other provision, the Term "Industrial Marijuana Facility" shall be defined to include comprehensive marijuana cultivation facilities, marijuana testing facilities, comprehensive marijuana-infused products manufacturing facilities, and microbusiness wholesale facilities.

2. The "D" Planned Development Light Manufacturing District is created to account for Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities, as defined in the immediately preceding section. Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall only lawfully exist in the City upon an applicant successfully re-zoning a lot to "D" Planned Development Light Manufacturing pursuant to the procedures required by this Zoning Code and Missouri law and which shall always require submission and approval of a Redevelopment Plan pursuant to Chapter 416 of the Zoning Code of the City of Warson Woods, which Chapter is hereby deemed to apply to any proposed development or use for the "D" Planned Development Light Manufacturing District.

C. Developmental Standards

1. Any use in this District shall meet the following Standards:

a. State License Required. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities must have the appropriate license and any other

required authorization from DHSS to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final occupancy permits or approval shall be given until such State issued license has been obtained and satisfactory proof of such licensure has been provided to the City. Continued operation in the City shall always require such licensure to remain valid.

b. Outdoor Operations Or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a fence meeting the requirements of Section 415.060, "Additional Height, Area, Fence, and Screen Exceptions," and which has been approved through the Redevelopment Procedure in Chapter 416 of the Code of the City of Warson Woods.

c. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any Industrial Medical Marijuana Facility or Industrial Marijuana Facility except, in a marijuana testing facility when being administered for testing purposes authorized by DHSS.

d. Odor Control And Nuisance. Every Industrial Medical Marijuana Facility and Industrial Marijuana Facility shall have and maintain an odor control system at least as stringent as that which is required by State regulations and shall at all times operate in compliance with Chapter 210, Nuisances, of the City Code.

e. Hours Of Operation. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall be closed to the public between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the business shall be on the premises at any time without being approved entry, logged in by building security personnel and obtaining and displaying a visitor pass.

f. Security. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall be secured and closed to the public between the hours listed in this Subsection and no persons not employed by the facility may be present in such facility at any time closed to the public. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall have and maintain security systems, equipment, and procedures which are at least as stringent as those which are required by State regulations.

g. Display Of Licenses Required. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall display their license issued by DHSS and any and all licenses issued by the City in a prominent place in plain view near the front entrance of the facility as required by State regulations.

h. Redevelopment Plan Required. No Industrial Medical Marijuana Facility or Industrial Marijuana Facility shall be allowed to operate in the City unless the applicant submits, and receives approval from the City, a Redevelopment Plan pursuant to Chapter 416 of the Zoning Code of the City of Warson Woods. Such Redevelopment Plan procedure shall always be required for an Industrial Medical Marijuana Facility irrespective of the provisions of Section 416.020 and despite Chapter 416 being ordinarily used for the "C" Manchester Road Commercial District.

i. Accreditation, Standards, And Procedures — Testing Facilities. Every marijuana testing facility shall, at all times, maintain in good standing their accreditation as required by State regulations, and utilize standards and procedures for personnel and for testing marijuana in all forms which are at least as stringent as those required by State regulations.

j. Additional Requirements. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall comply with all generally applicable provisions of the Zoning Code of the City of Warson Woods, all provisions of Article XIV, Sections 1 and 2 of the Missouri Constitution, as applicable, and any and all rules and regulations promulgated by the DHSS regulating marijuana.

2. Frontage And Area. Any lot for a proposed Industrial Medical Marijuana Facility or Industrial Marijuana Facility must have at least three hundred (300) feet of frontage on Manchester Road and must consist of at least one and five-tenths (1.5) acres.

3. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall comply fully with the provisions of Section 415.020(F)(2), "Landscape, buffers and screening." Additionally, a buffer strip of not less than one hundred (100) feet in width shall be provided along any perimeter of a commercial development which adjoins an "A" Residence District or "B" Residence District (or equivalent District in an adjoining jurisdiction), except where abutting a public street. No drive, walkway, parking space or vehicular travel way shall occupy any portion of the buffer strip; provided that the Board of Aldermen may require that the buffer strip be supplemented with additional plantings, landscaping and fencing.

4. Parking And Loading. All Industrial Medical Marijuana Facilities and Industrial Marijuana Facilities shall comply fully with the provisions of Section 415.020(F)(1), "Vehicle access, driveways and parking requirements." Additionally, off-street parking and loading standards must meet or exceed St. Louis County's requirements for these uses.

5. No building or premises occupied and used for any of the permitted principal uses of Industrial Medical Marijuana Facilities or Industrial Marijuana Facilities

identified in this Section shall have more than forty percent (40%) of its floor area devoted to storage or uses incidental to such permitted principal use nor more than five (5) persons employed at any time in such incidental use.

6. Chapter 416 of the Zoning Code of the City of Warson Woods shall be used for the minimum standards and procedures for site design and building construction, reconstruction, or use within the "D" Planned Development Light Manufacturing District.

7. Screening of HVAC units, odor control systems, ventilation systems, recycling containers, and solid waste (trash) containers. Heating, ventilating, air conditioning and/or odor control units shall be fully screened from public view by an element of the building or by a separate, permanently installed screen or fence, extending a minimum of one (1) foot above the equipment, harmonizing with the building in material color, size, and shape. Recycling and refuse containers or recycling and refuse storage areas shall be hidden from public view, either from within or outside the premises, by means of fences, walls or landscaped planting harmonizing with the building in material color, size, and shape.

SECTION 5. That Section 415.100 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Section 415.100 in its entirety, and enacting, in lieu thereof, a new Section 415.100 to read as follows:

Section 415.100. Spacing Requirement for Medical Marijuana Facilities and Marijuana Facilities

A. Definition. For purposes of this Section 415.100, “then-existing” shall mean any building that is occupied by, or for which a building permit has been issued and which will be used as, an elementary or secondary school, child day-care center, or church at the time an individual or entity applies for a conditional use permit to operate a medical marijuana facility.

B. Siting. No medical marijuana facility, as defined in Section 400.020, nor any marijuana facility, as defined in Section 400.020 (collectively referred to as “Facilities” for the purposes of Section 415.100), shall be initially sited within one thousand (1,000) feet of any then-existing elementary or secondary school, child daycare center, or church.

1. 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 from the school, daycare, or church closest in proximity to the Facility.

2. In the case of a Facility that is part of a larger structure, such as an office building or strip mall, the distance between the Facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the Facility's entrance or exit closest to 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 closet in proximity to the Facility.

3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

SECTION 6. That Section 415.110 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Section 415.110 in its entirety and enacting, in lieu thereof, a new Section 415.110 to read as follows:

Section 415.110. Additional Requirements for Dispensaries

A. "C" Manchester Road Commercial District Only. Medical marijuana dispensary facilities, comprehensive marijuana dispensary facilities, and microbusiness dispensary facilities (collectively referred to as "Dispensaries" or "Dispensary" for purposes of Section 415.110) shall only be permitted as a planned use in the "C" Manchester Road Commercial District.

B. State License Required. All Dispensaries must have the appropriate license and any other required authorization to operate the from DHSS to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final occupancy permits or approval shall be given until such State-issued license has been obtained and satisfactory proof of such licensure has been provided to the City. Continued operation in the City shall always require such licensure to remain valid.

C. Outdoor Operations And Storage. No outdoor operations or storage shall be allowed for a Dispensary.

D. Odor Control And Nuisance. Every Dispensary shall have and maintain an odor control system at least as stringent as that which is required by State regulations and shall at all times operate in compliance with Chapter 210, Nuisances, of the City Code.

E. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed or administered on the premises of any Dispensary.

F. Hours Of Operation. All operations of a Dispensary including sales or distribution of marijuana and any other products sold to the public through a Dispensary shall take place between the hours of 9:00 A.M. and 9:00 P.M. Monday

through Friday, Saturday between 9:00 A.M. and 7:00 P.M., and Sunday between 10:00 A.M. and 4:00 P.M.

G. Security. Dispensaries shall be secured and closed to the public after the hours listed in this Section and no persons not employed by the Dispensary or contracted for services by the Dispensary may be present in such facility at any time closed to the public. Dispensaries shall have and maintain security systems, equipment, and procedures at least as stringent as those which are required by State regulations.

H. Display Of Licenses Required. The Dispensary license issued by the State of Missouri and any and all licenses and permits issued by the City of Warson Woods shall be displayed in a prominent place in plain view near the front entrance of the facility as required by State regulations.

I. Redevelopment Plan Required. No Dispensary shall be allowed unless the applicant submits, and receives approval from the City, a Redevelopment Plan as required by Chapter 416 of the Zoning Code of the City of Warson Woods. Such Redevelopment Plan procedure shall always be required for a Dispensary irrespective of the provisions of Section 416.020.

J. Additional Requirements. All Dispensaries shall comply with all generally applicable provisions of the Zoning Code of the City of Warson Woods, all provisions of Article XIV, Sections 1 and 2 of the Missouri Constitution, as applicable, as well as any and all rules and regulations promulgated by DHSS regulating marijuana.

SECTION 7. That Section 415.120 of the Municipal Code of the City of Warson Woods, Missouri, be and hereby is amended by deleting Section 415.120 in its entirety and enacting, in lieu thereof, a new Section 415.120 to read as follows:

Section 415.120. Accessory Use – All Districts.

A. Qualifying Patient Marijuana Cultivation. To the extent required by law, in addition to the permitted accessory uses in each district, on any lot in the City, a person holding a current, valid qualifying patient cultivation identification card issued by DHSS may as an accessory use cultivate marijuana as permitted by Article XIV, Section 1 of the Missouri Constitution, so long as the cultivation is in compliance with Article XIV, Section 1, and all of the following conditions are met:

1. The accessory use must take place only in a facility that is enclosed, locked, and equipped with security devices (the "Cultivation Area"), all of which shall be designed in such a way as to permit access only by the qualifying patient or by such patient's primary caregiver and in conformance with all Federal and Missouri laws and regulations.

2. The State-issued qualifying patient cultivation identification card must be clearly displayed within the Cultivation Area and in close proximity to the marijuana plant.

3. The Cultivation Area must have an odor control system that is at least as stringent as that which is required by Missouri regulations.

4. One (1) qualifying patient, or the primary caregiver for that person on their behalf, may cultivate up to six (6) flowering marijuana plants and six (6) non-flowering marijuana plants at any given time in a single, enclosed, locked facility.

5. Two (2) qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one (1) enclosed, locked facility but no more than twelve (12) flowering marijuana plants and twelve (12) non-flowering Marijuana plants may be cultivated in a single, enclosed, locked facility, except when one (1) of the qualifying patients, as a primary caregiver, also holds a qualifying patient cultivation identification card for a total of three such cards, in which case that primary caregiver may cultivate six (6) additional flowering marijuana plants and six (6) additional non-flowering marijuana plants for a total of eighteen (18) flowering marijuana plants and eighteen (18) non-flowering marijuana plants in a single, enclosed locked facility.

6. All cultivated flowering marijuana plants in the possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patient's name.

7. All cultivation must cease immediately upon the expiration, suspension, or revocation of a State-issued qualifying patient cultivation identification card.

8. Nothing in this Section shall convey or establish a right to cultivate marijuana in a facility or premises where State or Federal law or a private contract would otherwise prohibit doing so.

B. Consumer Marijuana Cultivation. To the extent required by law, in addition to the permitted accessory uses in each district, on any lot in the City, a person holding a current, valid consumer cultivation identification card issued by DHSS may as an accessory use cultivate marijuana as permitted by Article XIV, Section 2 of the Missouri Constitution, so long as the cultivation is in compliance with Article XIV, Section 2, and all of the following conditions are met:

1. All consumer cultivation must take place in a private residence.

2. The accessory use must take place in a facility that is enclosed, locked, and equipped with security devices (the "Cultivation Area"), all of which shall be

designed in such a way as to permit access only by the consumer cultivator and in conformance with all Federal and Missouri laws and regulations.

3. The state-issued consumer cultivator identification card must be clearly displayed within the Cultivation Area and in close proximity to the marijuana plant.

4. The Cultivation Area must have an odor control system that is at least as stringent as that which is required by Missouri regulations.

5. No more than twelve (12) flowering marijuana plants, twelve (12) nonflowering plants fourteen (14) inches tall or more, and twelve (12) nonflowering plants under fourteen (14) inches tall may be cultivated by consumers at a single private residence, regardless of the number of consumers who live at that private residence.

6. Plants and marijuana produced by the plants in excess of three (3) ounces must be kept at a private residence in an enclosed, locked facility.

7. All cultivated flowering marijuana plants in the possession of a consumer cultivator shall be clearly labeled with that consumer's name.

8. All consumer cultivation must cease immediately upon the expiration, suspension, or revocation of the State issued consumer cultivation identification card.

SECTION 8. Savings Clause. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 9. Severability Clause. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 10. Effective Date. This Ordinance shall be in full force and take effect from and after its final passage by the Board of Aldermen and approval by the Mayor.

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THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO
PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS,
MISSOURI, THIS __ DAY OF _____, 2023.

Sean Fitzgerald, Mayor

ATTEST:

Kathy Mahany, City Clerk

APPROVED AS TO FORM:

Drew Weber, City Attorney