

INTRODUCED BY: Alderman Thompson

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO
THE ZONING CODE OF THE CITY OF WARSON WOODS
PERTAINING TO MEDICAL MARIJUANA USES AS
REQUIRED BY ARTICLE XIV OF THE MISSOURI
CONSTITUTION**

WHEREAS, on November 6, 2018, the voters of the State of Missouri approved Amendment 2 to the Missouri Constitution adding a new Article XIV, Section 1 to the Missouri Constitution (the "Amendment"); such Section being titled, "Right to Access Medical Marijuana."

WHEREAS, the intent of Article XIV, Section 1 of the Missouri Constitution is to enable certain specified persons and legal entities who comply with the provisions of the Constitutional Amendment as well as all rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri to legally obtain, possess, cultivate, process, grow, use and distribute marijuana for medicinal purposes to the extent allowed by applicable law.

WHEREAS, despite the enactment of Article XIV, Section 1 to the Missouri Constitution, marijuana remains a "Schedule 1 Controlled Substance" pursuant to the Controlled Substances Act of the United States and remains illegal under Federal Law.

WHEREAS, despite the enactment of Article XIV, Section 1 of the Missouri Constitution, marijuana remains a controlled substance under Missouri law except where used strictly pursuant to the provisions of the Constitutional Amendment as well as all rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri.

WHEREAS, nothing in this Ordinance, nor any other act, statement, or activity of the City of Warson Woods (the "City"), nor any officers, employees or agents of the City acting in a ministerial or discretionary capacity on behalf of the City and acting in their official capacity as a City employee, in furtherance of and compliance with Article XIV, Section 1 of the Missouri Constitution and this Ordinance shall be interpreted as authorization for any illegal activity, nor as any official policy of or statement by the City as to any illegal activity under state or federal law.

WHEREAS, any zoning decisions or authorizations, the issuance of any City licensing including, but not limited to, business licenses, manufacturers' licenses or otherwise do not constitute an authorization by the City for any illegal activity, nor as any official policy of or statement by the City.

WHEREAS, any authorization given by this Ordinance to any individual or legal business entity is only so given and is only so authorized to the extent allowed by the laws and policies of the State of Missouri and the United States of America.

WHEREAS, Article XIV, Section 1.7(11) of the Missouri Constitution dictates, "No local government shall prohibit Medical Marijuana Cultivation Facilities, Medical 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.”
(emphasis added).

WHEREAS, Article XIV, Section 1.7(11) of the Missouri Constitution does allow local governments to “enact ordinances or regulations not in conflict” with the Constitutional Amendment *or* with regulations enacted pursuant to the Constitutional Amendment by the State of Missouri governing the time, place, and manner of the operation of Medical Marijuana Uses.

WHEREAS, if not closely monitored and regulated, marijuana, even when used for medicinal purposes pursuant to Article XIV, Section 1 of the Missouri Constitution, has the potential for abuse and may cause an increase in illegal activities within the City affecting the public health, safety, order, comfort, convenience and general welfare of the residents of the City.

WHEREAS, the City has a substantial interest in protecting the public health, safety, order, comfort, convenience and general welfare of the individual residents and businesses of the City.

WHEREAS, overarching principles of good government and proper planning require the City to regulate medical marijuana as allowed by Article XIV, Section 1 of the Missouri Constitution.

WHEREAS, the existing Chapter 400, the Zoning Code of the City of Warson Woods, does not provide for the location and regulation of medical marijuana uses.

WHEREAS, if medical marijuana uses, like any other land use, are allowed to be established without appropriate regulation as to location and other necessary regulations pursuant to the Zoning Code and zoning regulations of the City, such uses may be established in areas in conflict and inconsistent with the City of Warson Woods’ Comprehensive Plan, be inconsistent with surrounding uses, or be detrimental to the public health, safety, order, comfort, convenience and general welfare of the residents of the City.

WHEREAS, the City desires to establish reasonable regulations for the zoning of medical marijuana uses and for the possession, cultivation, growing, using or distributing medical marijuana so long as such activity falls within the confines of Article XIV, Section 1 of the Missouri Constitution including any rules and regulations promulgated by the Missouri Department of Health and Senior Services, and is not otherwise illegal pursuant to applicable law.

WHEREAS, no person, business, activity, or use that possesses, cultivates, grows, uses, or distributes or is involved in the possession, cultivation, growing, using, or distribution of marijuana prior to the enactment of this Ordinance shall be deemed to have been legally established under this Ordinance, and no such person, business, activity or use shall be entitled to claim legal, non-conforming status under any provision of this Ordinance or applicable law.

WHEREAS, nothing in this Ordinance allows a person, business, or other legal entity to possess, cultivate, grow, infuse, process, use or distribute marijuana for any purpose other than for use as medical marijuana to the extent authorized and limited by Article XIV, Section 1 of the Missouri Constitution, and any rules and regulations regarding medical marijuana issued by the Department of Health and Human Services of the State of Missouri.

WHEREAS, nothing in this Ordinance allows a person, business, or other legal entity to create, cause, engage in, or maintain a public nuisance injurious to the public health, safety, order, comfort, convenience and general welfare of the residents of the City.

WHEREAS, the Board of Aldermen desires to protect the public health, safety, order, comfort, convenience and general welfare of the individual residents and businesses of the City and finds this Ordinance necessary to safeguard the public health, safety, order, comfort, convenience and general welfare of the individual residents and businesses of the City by establishing reasonable regulations on medical marijuana uses, as defined herein, consistent with Article XIV, Section 1 of the Missouri Constitution, regarding such things including, but not limited to, noise, air quality, neighborhood safety, security, other health and safety concerns, and reasonable restrictions on the time, place and manner of medical marijuana uses.

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

SECTION 1. The recitals set forth above are hereby specifically incorporated herein by reference.

SECTION 2. Section 400.020, "Definitions", of the Zoning Code City of Warson Woods is hereby amended to repeal the definition of "Churches and Places of Formal Worship" and add the following definitions leaving all other provisions of Section 400.020 in full effect and unaltered.

ADMINISTER MEDICAL MARIJUANA

The direct application of Marijuana to a Qualifying Patient, to the extent allowed by and pursuant to the terms of Article XIV, Section 1 of the Missouri Constitution, by way of any of the following methods:

1. Ingestion of capsules, teas, oils, and other Marijuana-Infused Products;
2. Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
3. Application of ointments or balms;
4. Transdermal patches and suppositories;
5. Consuming marijuana-infused food products; or
6. Any other method recommended by a Qualifying Patient's physician as authorized by Article XIV, Section 1 of the Missouri Constitution.

CHURCH

A building or group of buildings, including, but not limited to, a church, synagogue, temple, mosque, cathedral, chapel, sanctuary, or other facility wherein persons regularly assemble for religious worship maintained and controlled by a religious body having a Principal Use of religious worship or the offering of religious services of any denomination.

DEPARTMENT

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

ELEMENTARY SCHOOL

A public, private, religious or parochial school giving instruction in a grade or grades not lower than pre-school nor higher than the eighth grade.

ENTITY

A natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

FLOWERING PLANT, MARIJUANA

A Marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

LIGHT MANUFACTURING

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing and/or involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors at a scale and intensity that is compatible with the surrounding residential and commercial uses.

MARIJUANA OR MARIHUANA

Means 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 USE

A Medical Marijuana Use shall be defined as any of the following herein defined uses/entities:

- A) Medical Marijuana Cultivation Facility;
- B) Medical Marijuana Dispensary;
- C) Medical Marijuana-Infused Products Manufacturing Facility;
- D) Medical Marijuana Testing Facility;
- E) Medical Marijuana Transportation Facility;
- F) Any other entity currently or hereafter included in and regulated by Article XIV, Section 1 of the Missouri Constitution.

MEDICAL MARIJUANA CULTIVATION

As related to activity authorized pursuant to Article XIV, Section 1 of the Missouri Constitution and all rules and regulations issued by the Missouri Department of Health and Senior Services, 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 State of Missouri to acquire, cultivate, process, store, transport and sell Marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Transportation Facility.

MEDICAL MARIJUANA CULTIVATION IDENTIFICATION CARD

An additional, separate, or enhanced Identification Card issued by the State of Missouri 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 the Department, only to the extent authorized by applicable law.

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 solely pursuant to the terms of Article XIV, Section 1 of the Missouri Constitution to a Qualifying Patient, a Primary Caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, Medical Marijuana Transportation Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA FACILITY, INDUSTRIAL

Any one of the following Medical Marijuana Uses:

- A) Medical Marijuana Cultivation Facility;
- B) Medical Marijuana-Infused Products Manufacturing Facility;
- C) Medical Marijuana Testing Facility;
- D) Medical Marijuana Transportation Facility;
- E) 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.

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, Medical Marijuana Transportation Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA MEDICAL USE

The production, possession, delivery, distribution, transportation, or administration of Marijuana or a Marijuana-Infused Product, or drug paraphernalia used to Administer Marijuana or a Marijuana-Infused Product as provided by Article XIV, Section 1 of the Missouri Constitution, for the benefit of a Qualifying Patient to mitigate the symptoms or effects of the patient’s qualifying medical condition as defined in Missouri State law.

MEDICAL MARIJUANA TESTING FACILITY

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

MEDICAL MARIJUANA TRANSPORTATION FACILITY

A facility certified by the State of Missouri to store and transport Marijuana.

PHYSICIAN

An individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

PHYSICIAN CERTIFICATION

A document, whether handwritten, electronic or in another commonly used format, signed by a physician and stating that, in the physician’s professional opinion, the patient suffers from a qualifying medical condition as defined in Missouri State law.

PRIMARY CAREGIVER

An individual twenty-one years of age or older who has significant responsibility for managing the well-being of a Qualifying Patient and who is designated as such under the rules and regulations of the Department and possesses a Department issued Primary Caregiver or Primary Caregiver Cultivation Identification Card.

QUALIFYING PATIENT

A Missouri resident diagnosed with at least one qualifying medical condition as defined in Missouri State law and possessing a Department issued Qualifying Patient or Qualifying Patient Cultivation Identification Card.

SECONDARY SCHOOL

A public, private, religious or parochial school giving instruction in a grade or grades not lower than the sixth nor higher than the twelfth grade.

SECTION 3. Chapter 415, "Zoning Rules and Regulations," Article I, "Generally," of the Zoning Code of the City of Warson Woods is hereby amended to add a new Section 415.100 entitled "Spacing Requirement for Medical Marijuana Uses" to read as follows:

Section 415.100 Spacing Requirement for Medical Marijuana Uses

- A. No Medical Marijuana Use shall be located within one-thousand (1,000) feet of any then-existing Elementary School, Secondary School, Day Care Facility, or Church. As used in the previous sentence, "then-existing" shall mean any Elementary School, Secondary School, Day Care Facility, or Church with a building permit from the City to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Use applies for a zoning permit.
- B. When measuring the spacing requirement, the following guidelines shall be followed:
 - 1. In the case of a freestanding Medical Marijuana Use facility, the distance between the facility and the Elementary School, Secondary School, Day Care Facility, or Church shall be measured from the external wall of the facility structure closest in proximity to the Elementary School, Secondary School, Day Care Facility, or

Church to the closest point of the property line of the Elementary School, Secondary School, Day Care Facility, or Church.

2. In the case of a Medical Marijuana Use facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the Elementary School, Secondary School, Day Care Facility, or Church shall be measured from the property line of the Elementary School, Secondary School, Day Care Facility, or Church to the facility's entrance or exit closest in proximity to the Elementary School, Secondary School, Day Care Facility, or Church.
3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

SECTION 4. Section 415.020, "Use Regulations — "C" Manchester Road Commercial District," Subsection (D), "Principal Uses," of the Zoning Code of the City of Warson Woods is hereby amended to (1) remove "Churches and places of formal worship" from the "List of Principal Uses," and (2) add "Church" and "Medical Marijuana Dispensary" to the "List of Principal Uses" leaving all other provisions of Section 415.020 in full effect and unaltered to read as follows:

D. Principal Uses.

List of Principal Uses

Art/photography gallery	Library
Automotive parts and supply store	Medical Marijuana Dispensary
Banking and financial institutions	Museum
Bed and breakfast	Music Store
Church	Offices, business
Condominiums (mixed planned use)	Offices, medical and dental
Convenience shop	Park
Drug store (pharmacy)	Pet grooming
Fine or performing arts studios	Post office/shipping store
Government uses	Restaurant, general
Grocery store	Restaurant, limited
Hardware store	Retail, general light

Health club or fitness center

Veterinarian

Institutions

Video and audio recording sales and rental

Laundry, dry cleaning or garment services

SECTION 5. Chapter 415, "Zoning Rules and Regulations," Article I, "Generally," of the Zoning Code of the City of Warson Woods is hereby amended to add a new Section 415.110 entitled "Additional Requirements for Medical Marijuana Dispensaries," to read as follows:

Section 415.110 Additional Requirements for Medical Marijuana Dispensaries

- A. "C" Manchester Road Commercial District Only. Medical Marijuana Dispensaries shall only be permitted as a planned use in the "C" Manchester Road Commercial District.
- B. State License Required. All Medical Marijuana Dispensaries must have the appropriate license and any other required authorization to operate the Medical Marijuana Dispensary from the Missouri Department of Health and Senior Services 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 Medical Marijuana Dispensary.
- D. Odor Control and Nuisance. Every Medical Marijuana 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. Onsite Usage Prohibited. No Marijuana may be smoked, ingested, or otherwise consumed or Administered on the premises of any Medical Marijuana Dispensary Facility.
- F. Hours of Operation. All operations of a Medical Marijuana Dispensary Facility including sales or distribution of Medical Marijuana and any other products sold to the public through a Medical Marijuana Dispensary shall take place between the hours of 9:00 AM and 9:00 PM Monday-Friday, Saturday between 9:00 AM and 7:00 PM, and Sunday between 10:00 AM and 4:00 PM.
- G. Security. Medical Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Medical

Marijuana Dispensary or contracted for services by the Medical Marijuana Dispensary may be present in such facility at any time closed to the public. Medical Marijuana 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 Medical Marijuana Dispensary Facility 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 Medical Marijuana 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 Medical Marijuana Dispensary irrespective of the provisions of Section 416.020.
- J. Additional Requirements. All Medical Marijuana Dispensary Facilities shall comply with all generally applicable provisions of the Zoning Code of the City of Warson Woods, all provisions of Article XIV, Section 1 of the Missouri Constitution as well as any and all rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri regulating Medical Marijuana including, but not limited to security requirements, lighting, parking, record maintenance and retention, and patient verification requirements.

SECTION 6. Section 400.030, "Districts and Boundaries Thereof," Subsection (A) of the Zoning Code of the City of Warson Woods is hereby amended by adding the underlined text to read as follows:

Section 400.030 Districts and Boundaries Thereof.

- A. In order to regulate and restrict the location of businesses and residences and the location of buildings erected or altered for specific uses, and to regulate and limit the height of buildings hereafter erected or altered, to regulate and determine area of yards and other open spaces, and to regulate and limit the density of population, the City of Warson Woods is hereby divided into three (3) districts, the "A" Residence District, the "B" Residence District and the "C" Manchester Road Commercial District as set forth on the Official Zoning Map adopted by the Board of Aldermen and as may be amended by the Board from time to time. A fourth zoning district, the "D" Planned Development Light Industrial District exists but, as no lot or parcel currently existing within the City of Warson Woods is zoned for or meets the requirements of the "D" District, this District does not currently appear on the Official Zoning Map. The Official Zoning Map is incorporated herein by reference.

SECTION 7. Chapter 415, "Zoning Rules and Regulations," Article I, "Generally," of the Zoning Code of the City of Warson Woods is hereby amended to add a new Section 415.025 entitled "Use Regulations — "D" Planned Development Light Manufacturing District" 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 was recently amended to state that, "No local government shall prohibit Medical Marijuana Cultivation 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(11)), the City is creating 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. The "D" Planned Development Light Manufacturing District is created to account for "Industrial Medical Marijuana Facility" uses as defined in Section 400.020, as may be amended from time to time. These Industrial Medical Marijuana uses 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. Development Standards.
1. Any use in this District shall meet the following Standards:
 - a) State License Required. All Industrial Medical Marijuana Facilities must have the appropriate license and any other required authorization from the Missouri Department of Health and Senior Services 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) Onsite Usage Prohibited. No Marijuana may be smoked, ingested, or otherwise consumed or Administered on the premises of any Industrial Medical Marijuana Facility except, in a Medical Marijuana Testing Facility when being Administered for testing purposes authorized by the State of Missouri Department of Health and Senior Services.
- d) Odor Control and Nuisance. Every Industrial Medical 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 shall be closed to the public between the hours of 10:00 PM and 8:00 AM. 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 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 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 shall display their license issued by the State of Missouri 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 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 Medical 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 Medical Marijuana in all forms which are at least as stringent as those required by State regulations.
 - j) Additional Requirements. All Industrial Medical Marijuana Facilities shall comply with all generally applicable provisions of the Zoning Code of the City of Warson Woods, all provisions of Article XIV, Section 1 of the Missouri Constitution, and any and all rules and regulations promulgated by the Department of Health and Senior Services for the State of Missouri regulating Medical Marijuana including but not limited to security requirements, lighting, parking, record maintenance and retention, and patient verification requirements.
2. Frontage and Area. Any lot for a proposed Industrial Medical Marijuana Facility use must have at least three hundred (300) feet of frontage on Manchester Road and must consist of at least 1.5 acres.
 3. All Industrial Medical Marijuana Facility uses 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 Facility uses 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 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 8. Section 415.030, "Height and Area Regulations," of the Zoning Code of the City of Warson Woods is hereby amended to add a new Subsection 415.030(D) to read as follows:

D. *"D" Planned Development Light Manufacturing District.* In the "D" District, the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

1. *Height.* No building hereafter erected or structurally altered shall exceed two (2) stories or thirty (30) feet, whichever is less. Chimneys, roof-top mechanical appurtenances, and other purely ornamental or mechanical accessories shall not be considered for purposes of determining height.
2. *Rear yard.* No main building or detached garage shall be erected or structurally altered except that it shall be at least fifty (50) feet from the rear of the lot line. An accessory building hereafter erected or structurally altered shall be not less than thirty (30) feet from the rear lot line.
3. *Side yard.* No building or structure shall be erected or altered within thirty (30) feet of the side lot line. Where the side yard is along a street, no building or structure shall be erected or altered within fifty (50) feet of the side lot line.
4. *Front yard.* There shall be a distance of not less than fifteen (15) feet from the front lot line to the front of the building.
5. *Lot Area.* All lots within the "D" District shall have at least three hundred (300) feet of frontage on Manchester Road, consist of at least two (2) acres, and a minimum lot width of five hundred (500) feet.
6. *Maximum impervious coverage.* No building footprint shall exceed more than fifty percent (60%) of the lot area nor shall the total of impervious surface for any lot exceed seventy percent (70%) of the lot area.

SECTION 9. Chapter 415, "Zoning Rules and Regulations," Article I, "Generally," of the Zoning Code of the City of Warson Woods is hereby amended to add a new Section 415.120 entitled "Accessory Use — All Districts" to read as follows:

Section 415.120 Accessory Use — All Districts.

- A. Qualifying Patient Medical 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 Medical Marijuana Cultivation Identification Card issued by the State of Missouri may have as an accessory use Medical Marijuana Cultivation as permitted by Article XIV, Section 1.7(9) of the Missouri Constitution so long as 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 or Cultivation Authorization must be clearly displayed within the Cultivation Area and in close proximity to the Marijuana plants.
 3. The accessory use must have an odor control system that is at least as stringent as that which is required by Missouri regulations.
 4. No Marijuana may be smoked, ingested, or otherwise consumed or Administered on the lot except by a Qualifying Patient.
 5. One (1) Qualifying Patient may cultivate up to six (6) Flowering Marijuana Plants and six (6) nonflowering Marijuana plants at any given time in a single, enclosed, locked facility.
 6. 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) nonflowering 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 third Qualifying Patient, in which case that Primary Caregiver may cultivate six (6) additional Flowering Marijuana Plants and six (6) additional nonflowering Marijuana plants for a total of eighteen (18) Flowering Marijuana Plants and eighteen (18) nonflowering Marijuana plants in a single, enclosed locked facility.
 7. 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.
 8. All Medical Marijuana Cultivation must cease immediately upon the expiration, suspension, or revocation of a State-issued Qualifying Patient Cultivation Identification Card.

9. Nothing in this section shall convey or establish a right to cultivate Medical Marijuana in a facility or premises where State or Federal law or a private contract would otherwise prohibit doing so.

SECTION 10. Severability. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 11. This Ordinance shall be in full force and effect on and after its passage and approval by the Board of Aldermen and the Mayor.

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 16th DAY OF July, 2019.

Laurance M. Howe, Mayor

ATTEST:

Kathy Mahany, City Clerk

APPROVED AS TO FORM:

Paul V. Rost, City Attorney