

BILL NO. 3425

ORDINANCE NO. 3224

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTION 405.04.140 OF THE MUNICIPAL CODE PERTAINING TO MARIJUANA RELATED BUSINESSES.

WHEREAS, an amendment to the Missouri Constitution, herein referred to as Amendment 3, was approved by voters on November 8, 2022 to decriminalize marijuana and to provide for the regulated production, distribution, testing, sale, and purchase of recreational marijuana by those ages 21 and older; and

WHEREAS, Amendment 3 charges the Missouri Department of Health and Senior Services to license and regulate comprehensive marijuana cultivation facilities, comprehensive marijuana dispensary facilities, comprehensive marijuana-infused products manufacturing facilities, and marijuana testing facilities;

WHEREAS, Amendment 3 gives narrow authorization for cities to enact ordinances not in conflict with state law or regulations governing the time, place, and manner of operation of comprehensive marijuana facilities defined herein; and

WHEREAS, the City of Chesterfield, having carefully studied Amendment 3 and its mandate, wishes to establish supplemental rules and regulations governing the operation of comprehensive marijuana facilities to further protect the health, safety, and welfare of the residents, business community, and property owners in Chesterfield; and

WHEREAS, a Public Hearing was held before the Planning Commission on January 9, 2023; and,

WHEREAS, the Planning Commission recommended approval of the following amendments; and,

WHEREAS, the Planning and Public Works Committee recommended approval of the following amendments; and,

WHEREAS, the City Council of the City of Chesterfield desires to amend the Unified Development Code to reflect the changes in regulation of medical and non-medical marijuana business to conform to state law; and

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

Section 1: Section 405.04.140 of the City of Chesterfield Municipal Code shall be amended to include the following:

21. Marijuana (medical and comprehensive) facilities. These regulations shall apply to all medical and comprehensive marijuana uses as defined in the Missouri Constitution.
 - a. No marijuana facilities including those relating to cultivation, testing, manufacturing or dispensing shall be permitted except in conjunction with a state issued license and in full compliance with all state mandated facility and safety standards.
 - b. No medical marijuana related use or facility shall emit an odor or in any way off-site which causes a public nuisance. Appropriate ventilation systems or odor mitigation devices shall be installed to prevent the permeation of marijuana odors or fumes shall be provided if a public nuisance violation occurs. If off-site odors become a public nuisance, the City Council, following notice and a public hearing at which the operator shall be entitled to present evidence or submit proposals for remediation, may revoke a permit for cultivation, testing, manufacturing or dispensing of marijuana or marijuana related products.
 - c. No marijuana facility shall be initially sited within one thousand feet of any then existing elementary or secondary school, child day care center, or church, as defined in the Missouri Constitution pertaining to marijuana facilities. 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 of the school, daycare, or church closest in proximity to the facility. 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 in proximity 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 closest in proximity to the facility. Measurements shall be

made along the shortest path between the demarcation points that can be lawfully traveled by foot.

- d. Cultivation facilities shall only be permitted in areas zoned Planned Industrial District.
- e. Any cultivation must occur indoors. Outdoor cultivation is not permitted.

Section 2: Existing medical marijuana facilities and new medical or non-medical marijuana facilities shall be permitted to obtain occupancy and business license approval where facilities are permitted by zoning.

Section 3: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 4: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 21ST day of February, 2023.

Bob Nation
PRESIDING OFFICER

Bob Nation
Bob Nation, MAYOR

ATTEST:

Vickie McGownd
Vickie McGownd, CITY CLERK

FIRST READING HELD: **2/6/2023**