



city of **CREVE COEUR**

300 North New Ballas Road • Creve Coeur, Missouri 63141
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www.crevecoeurmo.gov

NOTICE OF PUBLIC HEARING

**APPLICATION TO PLANNING AND ZONING COMMISSION
#22-040: TEXT AMENDMENTS TO VARIOUS SECTIONS OF THE ZONING
ORDINANCE (CHAPTER 405) TO PROVIDE REGULATIONS FOR
RECREATIONAL MARIJUANA BUSINESSES**

FOR THE MEETING OF: Tuesday, January 17, 2023, 6:00 PM.

REQUEST: Jason Jaggi, Director of Community Development, on behalf of the City of Creve Coeur, has submitted an application to amend various sections of the City's Zoning Ordinance, Chapter 405, to allow recreational marijuana uses in appropriate zoning districts. These marijuana uses include cultivation, manufacturing, and testing facilities, as well as, dispensaries. The proposed changes are in response to an amendment to Missouri's constitution approved by voters on November 8, 2022, which legalized recreational adult-use marijuana.

ADDITIONAL INFORMATION: The Planning and Zoning Commission is scheduled to review this request on Tuesday, January 17, 2023, at 6:00 p.m., for recommendation to the City Council. Meetings are held in person in the Council Chambers of the Creve Coeur Government Center located at 300 N. New Ballas Road. We encourage you to attend if you have any questions or wish to make a statement. In addition, you can submit written or e-mail comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at www.crevecoeurmo.gov/447/Current-Planning-Projects. You may also call (314) 872-2501 or e-mail blmoore@crevecoeurmo.gov.

APPLICANT: Jason Jaggi
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63116

STAFF CONTACT: Jason Jaggi, AICP, Director of Community Development

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the objectives and strategies of the Comprehensive Plan?

Comprehensive Plan References

- NA

Zoning Code References

- Section 405.120
Definition of Terms
- Section 405.210:
Regulation of Uses
- Section 405.470:
Conditional Uses

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 405, THE ZONING ORDINANCE, TO ALLOW FOR RECREATIONAL MARIJUANA RELATED USES

WHEREAS, an amendment to Missouri's constitution was approved by voters on November 8, 2022 which legalized recreational marijuana; and

WHEREAS, all marijuana activities are subject to regulation by the State of Missouri; and

WHEREAS, an application was submitted by the Director of Community Development for text amendments to various sections of the City's Zoning Ordinance to allow recreational marijuana uses in appropriate zoning districts; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for such changes as set forth herein for conformity with state law and zoning practices that are consistent with public health and welfare; and

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on _____, beginning at 6:00 p.m., or immediately following the close of the previous public hearing; and

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of ____ recommended approval of the subject amendments at its meeting on _____; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances as provided herein would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest,

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri, as follows:

BILL NO. _____

ORDINANCE NO. _____

SECTION 1. Table A, Permitted and Conditional Uses, is amended in the manner shown below

Use Code	2012 NAICS Title	ZONING DISTRICTS													
		A	B	C	D	AR	HE	PH	PO	RO	MX	PC	GC	CB	LI
CC111419	<u>Comprehensive or Medical Marijuana Cultivation Facility, and Microbusiness Marijuana Wholesale Facility, inside a building or greenhouse as defined under Section 405.120 with no drive up facilities</u>									C					C
325414	Biological Product (except Diagnostic) Manufacturing									C					C
CC325415	<u>Comprehensive or Medical Marijuana-Infused Product Manufacturing Facility, entirely within an enclosed building as defined under Section 405.120 with no drive up facilities</u>									C					C
453998	All Other Miscellaneous Store Retailers (except auction houses, pool and hot tub sales/supplies and cemetery memorial dealers)										P	P	P	P	P
CC453999	<u>Comprehensive or Medical Marijuana Dispensary Facility as defined under Section 405.120, including Microbusiness Marijuana Dispensary Facility (provided any drive-thru or drive-up portion of any such dispensary shall be a conditional use in the designated districts)</u>								P	P	P	P	P	P	P
541380	Testing Laboratories								P	P		P	P	P	P
CC541381	<u>Medical-Marijuana Testing Facility as defined under Section 405.120</u>									P					P

SECTION 2. Section 405.120 Definition of Terms of the Creve Coeur Code of Ordinances is hereby amended to include new and revised definitions as follows:

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COMPREHENSIVE MARIJUANA CULTIVATION FACILITY: a facility licensed as such by the State of Missouri.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY: a facility licensed as such by the State of Missouri.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCT MANUFACTURING FACILITY: a facility licensed as such by the State of Missouri.

MARIJUANA OR MARIHUANA: *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp as defined by Missouri statute, 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 as such by the State of Missouri ~~to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical-Infused Products Manufacturing Facility.~~

MEDICAL MARIJUANA DISPENSARY FACILITY: a facility licensed as such by the State of Missouri ~~to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana in accordance with applicable law and regulations.~~

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY: a facility licensed as such by the State of Missouri, ~~to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.~~

~~MEDICAL MARIJUANA TESTING FACILITY: a facility certified as such by the State of Missouri, to acquire, test, certify, and transport marijuana.~~

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MICROBUSINESS MARIJUANA DISPENSARY FACILITY: a facility licensed as such by the State of Missouri.

MICROBUSINESS MARIJUANA WHOLESALE FACILITY: a facility licensed as such by the State of Missouri.

SECTION 3. Section 405.450 Permitted Uses, Subsection G, is amended as follows:

- G Comprehensive or Medical Marijuana Dispensary Facility, and Microbusiness Marijuana Dispensary Facility (NAICS CC453999) ~~and Medical Marijuana Testing Facility (NAICS CC541384)~~ as defined in Section 405.120, which abide by all applicable laws and regulations, are permitted uses in the zoning districts as shown in Table A Permitted and Conditional Uses, but no Comprehensive or Medical Marijuana Dispensary Facility, or Microbusiness Marijuana Dispensary Facility shall be initially sited ~~on a property~~ within three hundred (300) feet of ~~a property of~~ any then-existing elementary or secondary school. ~~Measurements shall be made from the closest property line of the proposed Dispensary Facility to the closest property line of any such other use listed in this section.~~ In the case of a free-standing facility, the distance between the facility and the school shall be measured from the external wall of the facility closest in proximity to the school to the closest point of the property line of the school, unless the school is part of a larger structure such as an office building or mall, in which case the distance shall be measured to the entrance or exit of the school in closest proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or mall, the distance between the facility and the school shall be measured from the property line of the school to the facility's entrance or exit closest in proximity to the school, unless the school is part of a larger structure such as an office building or mall, in which case the distance shall be measured to the entrance or exit of the school in closest proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

SECTION 4. Section 405.470 Conditional Uses, subsection A.8, is amended as follows:

8. All drive-through and drive-in sales of goods or services including but not limited to freestanding drive-in pharmacies, banking facilities, and marijuana dispensary facilities (not including restaurants) (CC442100) (conditional use in the "PH," "MX," "PC," "GC," "CB" and "LI" districts). [Ord. No. 5400 §1, 11-10-2014; Ord. No. 5717, 9-29-2020]
- a. Shall provide space for at least three (3) cars per drive-up window or station.
- b. Shall provide landscaping to screen the view of drive-up waiting spaces from surrounding properties.
- c. Drive-up window access, waiting spaces and egress shall not interfere with site circulation or be hazardous to motorists entering, exiting or passing by the site.

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d. When provided in the "PH" District, drive-through services shall be limited to uses complementary to the medical uses existing on the campus.

SECTION 5. Section 405.470 Conditional Uses, subsection A.33, is amended as follows:

33. Comprehensive or Medical Marijuana Cultivation Facility (NAICS CC111419) and Comprehensive or Medical Marijuana-Infused Products Manufacturing Facility, and Microbusiness Marijuana Wholesale Facility (NAICS CC325415) as defined in Section 405.120, which abide by all applicable laws and regulations, are conditional uses in the zoning districts as shown in Table A Permitted and Conditional Uses, subject to the following specific standards:

- a. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance per Section 405.550 or Chapter 215, as applicable. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.
- b. Marijuana cultivation and processing activities shall occur only within an enclosed building.

SECTION 6. This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2023.

JOSEPH MARTINICH
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2023.

ROBERT
HOFFMAN
MAYOR

ATTEST:

KELLIE HENKE
CITY CLERK