

INTRODUCED BY ALDERMAN TOBEN

BILL NO. 23-2514

ORDINANCE NO. 23-2398

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE MANCHESTER ZONING CODE RELATING TO REGULATIONS FOR MEDICAL AND RECREATIONAL MARIJUANA LAND USES IN COMPLIANCE WITH THE MISSOURI CONSTITUTION.

WHEREAS, on November 6, 2018, the voters of the State of Missouri approved Amendment 2 adding a new Article XIV, Section 1 to the Missouri Constitution entitled, "Right to Access Medical Marijuana"; and

WHEREAS, on November 8, 2022, the voters of the State of Missouri approved Amendment 3 to the Missouri Constitution revising Article XIV, Section 1 and adding a new Section 2 entitled, "Marijuana Legalization, Regulation, and Taxation" ("Amendment 3"); and

WHEREAS, despite Amendments 2 and 3 (the "Amendments"), marijuana remains a "Schedule 1 Controlled Substance" pursuant to the Controlled Substances Act of the United States and remains illegal under federal law; and

WHEREAS, nothing in this Ordinance, nor any other act, statement, or activity of the City of Manchester (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 in compliance with the Amendments 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; and

WHEREAS, any zoning decisions or other authorizations including, but not limited to, building and occupancy permits 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; and

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; and

WHEREAS, the Amendments allow local governments to, "enact ordinances or regulations not in conflict" with the Amendments, or with regulations enacted pursuant to the Amendments by the State of Missouri, governing the "time, place, and manner" of the operation of marijuana businesses so long as those regulations are not "unduly burdensome;" and

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; and

WHEREAS, overarching principles of good government and proper planning require the City to regulate marijuana businesses as allowed by the Amendments; and

WHEREAS, the existing Zoning Code and regulations of the City do not provide for the location and regulation of adult-use recreational businesses; and

WHEREAS, the City desires to amend its regulations for medical marijuana land uses to comply with the Amendments and establish reasonable regulations for the zoning of adult-use recreational marijuana land uses in accordance with the Amendments and any rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri (the "Department"); and

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 adult-use recreational marijuana prior to the enactment of this Ordinance shall be deemed to have been legally established, 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; and

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 to the extent authorized and limited by the Amendments and any rules and regulations regarding marijuana issued by the Department; and

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; and

WHEREAS, the City finds this Ordinance contains regulations which are not unduly burdensome, which are necessary to safeguard the public health, safety, order, comfort, convenience, and general welfare of the residents and businesses of the City, and which are reasonable regulations consistent with the Amendments 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 marijuana businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF MANCHESTER AS FOLLOWS:

Section 1. Section 405.060 of the Zoning Code of the City of Manchester is hereby amended so that the following definitions are repealed: "Administer Medical Marijuana", "Manufacturer, Medical Marijuana", "Medical Marijuana Cultivation", "Medical Marijuana Cultivation Facility", "Medical Marijuana Dispensary", "Medical Marijuana Infused Products Manufacturing Facility", "Medical Marijuana Medical Use", "Medical Marijuana Testing Facility", "Medical Marijuana Transportation Facility", and "Medical Marijuana Use".

Section 2. Chapter 405, Article IV, "General Provisions" of the Zoning Code of the City of Manchester is hereby amended by repealing the current Section 405.167 ("Spacing Requirement for Medical Marijuana").

Section 3. Section 405.240 ("C-1" Commercial Districts) is hereby amended by repealing Subsection C.3 and adopting in its place a new Subsection C.38 to read as follows:

38. Dispensary Facilities, where the operation meets the standards contained in Article XX, Comprehensive Regulations—Marijuana Businesses, including Section 405.1040, and meets the spacing requirements of Section 405.1020.

Section 4. Section 405.250 ("C-2" Commercial Districts) is hereby amended by repealing Subsection C.36 and adopting in its place a new Subsection C.38 to read as follows:

36. Dispensary Facilities, where the operation meets the standards contained in Article XX, Comprehensive Regulations—Marijuana Businesses, including Section 405.1040, and meets the spacing requirements of Section 405.1020.

Section 5. Section 405.287 ("Planned Light Manufacturing/Industrial Development Districts) is hereby amended by repealing the current Section 405.287 and adopting in its place a new Section 405.287 to read as follows:

- A. *Intent.* Because the City's Comprehensive Plan and future land use map do not identify industrial land uses as a priority, the City has not identified any specific areas in which industrial uses are permitted as of right. However, because the Missouri Constitution was amended to state that, "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, the City is creating the "PLMD" Planned Light Manufacturing/Industrial Development District. It is also the intent of these PLMD District regulations to increase the flexibility of development design through evaluation and approval of a redevelopment plan. Approval of a redevelopment plan shall be considered a legislative act of rezoning. Any ordinance approving a redevelopment plan shall be deemed to incorporate the provisions of this Section. Finally, the PLMD 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 contribute to traffic congestion on Manchester Road, Big Bend Road and Sulphur Spring Road, and will be of an intensity, location and nature so as to be compatible with its surroundings. Although dependent on the circumstances and intensity of a specific proposed use, the most likely location for a PLMD District is on lots fronting Gaywood Drive or Howard George Drive north of Grand Glaize Creek.
- B. *Planned Uses.* The following list of uses establishes the principal uses that are permitted by a planned use in the PLMD District. Any use not listed is specifically prohibited.

1. Comprehensive Marijuana Cultivation Facility
 2. Comprehensive Marijuana-Infused Products Manufacturing Facility
 3. Marijuana Testing Facility
 4. Medical Marijuana-Infused Products Manufacturing Facility
 5. Medical Marijuana Cultivation Facility
 6. Medical Marijuana Transportation Facility
 7. Microbusiness Wholesale Facility
 8. Transportation Facility
- C. *Development Plan Process.* Proposed planned uses under this Section require the submittal and approval of a site development plan pursuant to Section 405.820(C).
- D. *Development Standards.*
1. *General Standards.* Uses 1-8 set forth in Subsection B shall be in compliance the regulations contained in Article XX, Comprehensive Regulations— Marijuana Businesses, including the spacing requirements of Section 405.1020.
 2. *Access.* The principal means of access shall be from arterial or collector roads. Access points shall be determined by the City, but in no event shall they be closer than two hundred (200) feet to each other. Joint use of access shall be encouraged.
 3. *Internal Circulation.* The design for internal circulation shall be appropriately related to access points and provide for safe and efficient movement of vehicles and pedestrians. Internal circulation between adjacent properties shall be encouraged, and the City may, where appropriate, require cross-access easements to reserve internal access to adjacent properties for the purpose of reducing turning movements on Manchester Road, Big Bend Road and Sulphur Spring Road and provide better circulation within the overall zoning district.
 4. *Parking And Loading.* Off-street parking and loading standards shall be as found in Article VI.
 5. *Height Regulations.* A building or structure shall not exceed thirty-five (35) feet in height unless any point on the building is set back from the nearest point on a property line a distance equal to the height of that point on the building, but in no event may the height exceed seventy-five (75) feet.
 6. *Protection of Adjacent Residential Districts.* Where development will abut a residential district, a buffer area must be provided at the rear and side lots zoned to the above district and such abutting residentially zoned lots. Approval of design of the buffer area by the Planning and Zoning Commission is required. The buffer shall have a depth of eight percent (8%)

of the lot or fifty (50) feet, whichever is greater, unless the depth of the lot exceeds six hundred (600) feet, in which case the buffer strip shall be five percent (5%) of the depth of the lot or an average of forty-five (45) feet, whichever is greater. The buffer strip shall be at the same elevation as the adjacent residential lot or lots unless the Planning and Zoning Commission shall determine such to be impractical, in which case such Commission may impose additional requirements, in order to accommodate such fact, with regard to such things as the number of planted trees, size of trees, spacing of trees, or use of other methods of screening, such as fencing, so as to preserve the effectiveness of such buffer strip. At a minimum, such buffer strip shall be planted with evergreens a minimum of five (5) feet tall with a minimum diameter spread at the canopy base of three (3) feet and located in double staggered rows on ten (10) foot centers. Approved plant materials shall consist of Scotch Pine, Black Pine, Blue Spruce, Green Spruce, Juniper and Cedar. Said plants shall be maintained in a healthy condition or shall be replaced. Driveways and parking areas shall not be permitted in a buffer zone. If the Planning and Zoning Commission shall determine that the aforementioned buffer strip requirements are impractical, the Commission may impose additional or varied requirements in order to accommodate the development circumstances; such may include the erection of sound walls.

7. Setback From Roadway. A front yard of at least thirty (30) feet shall be provided along Manchester Road, Big Bend Road or Sulphur Spring Road. A fifteen-foot-deep landscaped open area shall be provided adjacent to the roadway property line. No accessory structure or sign shall be located in the required landscaped open area.
8. Screening Of HVAC Units And Refuse Containers. Heating, ventilating and air-conditioning 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. Refuse containers or 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 color, size and shape.
9. Developers' Responsibilities Regarding Streets. For any development within the district fronting on an existing road or street, it shall be the responsibility of the developer to bring the road or street up to City specifications to the center line of the road or street plus an additional ten (10) feet of width as per City specifications. Curbs and/or sidewalks are to be installed by the developer on the developer's side only, if so directed by the City.
10. Signage And Landscaping Plans. No new construction or exterior renovation may be undertaken within the district without it first being determined by the Building Official that the signage and landscaping plans, if applicable, are consistent with the regulations of the City of Manchester therefor provided.

Section 6. Section 405.655 (“Standards for Medical Marijuana Uses”) of Chapter 405, Article XIII, “Supplementary Regulations”, of the Zoning Code of the City of Manchester is hereby repealed in its entirety.

Section 7. Chapter 405, Article XX, is hereby renumbered as Article XXI, and Sections 405.940 (“Severability”) and 405.950 (“Repeal of Conflicting Ordinances”) are hereby renumbered as 405.1100 and 405.1110, respectively. Sections 405.940 through 405.990 are expressly reserved.

Section 8. In the place of the renumbered Article XX, a new Article XX, entitled “Comprehensive Regulations—Marijuana Businesses”, consisting of eight (8) Sections, denominated Sections 405.1000 through 405.1070, is hereby enacted to read as follows:

ARTICLE XX COMPREHENSIVE REGULATIONS—MARIJUANA BUSINESSES

Section 405.1000 Marijuana Business Regulations; Purpose and Definitions.

- A. *Purpose.* These regulations are adopted in response to the approval by voters of the State of Missouri of Amendment 2 adding a new Article XIV, Section 1 to the Missouri Constitution entitled, “Right to Access Medical Marijuana” and Amendment 3 to the Missouri Constitution revising Article XIV, Section 1 and adding a new Section 2 entitled, “Marijuana Legalization, Regulation, and Taxation” (collectively the “Amendments”) as an effort to have well-planned and reasoned implementation of the Amendments in the City. Overarching principles of good government and proper planning require the City to regulate marijuana businesses as allowed by the Amendments. The Amendments expressly allow local governments including the City to, “enact ordinances or regulations not in conflict” with the Amendments, or with regulations enacted pursuant to the Amendments by the State of Missouri, governing the “time, place, and manner” of the operation of marijuana businesses so long as those regulations are not “unduly burdensome.” 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. These regulations are adopted in accordance with the Amendments and any rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri (the “Department”).
- B. *Conformance to Federal Law.* Despite the Amendments, marijuana remains a “Schedule 1 Controlled Substance” pursuant to the Controlled Substances Act of the United States and remains illegal under federal law; nothing in this Ordinance, nor any other act, statement, or activity of 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 in compliance with the Amendments 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. Any zoning decisions or other authorizations including, but not limited to, building and occupancy permits

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. 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.

C. *Implementation.* 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 adult-use recreational marijuana prior to the enactment of this Ordinance shall be deemed to have been legally established, and no such person, business, activity, or use shall be entitled to claim legal, non-conforming status under any provision of this Article XX or applicable law. Nothing herein allows (1) a person, business, or other legal entity to possess, cultivate, grow, infuse, process, use, or distribute marijuana for any purpose other than to the extent authorized and limited by the Amendments and any rules and regulations regarding marijuana issued by the Department, nor (2) 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.

D. *Definitions.* As used in this Article XX, the following terms shall mean:

ADMINISTER – The direct application of Medical 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, oils, and other Marijuana-Infused Products;
- (3) Application of ointments or balms;
- (4) Transdermal patches and suppositories;
- (5) Consuming Marijuana-Infused food Products;
- (6) Any other method recommended by a Qualifying Patient's Physician or Nurse Practitioner as authorized by Article XIV, Section 1 of the Missouri Constitution.

CHURCH – A permanent building primarily and regularly used as a place of religious worship.

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY – A Facility licensed by the Department where Cultivation operations for Medical or adult use occur. A Comprehensive Marijuana Cultivation Facility need not segregate or account for its Marijuana Products as either adult use Marijuana or Medical Marijuana.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY – A Facility licensed by the Department where Marijuana Product is dispensed for Medical or adult use. Comprehensive 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 Comprehensive Marijuana Dispensary Facility need not segregate or account for its Marijuana Products as either non-Medical Marijuana or Medical Marijuana but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV and provided for by general or local law.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY – A Facility licensed by the Department where Marijuana-Infused Products and Prerolls are manufactured for Medical or adult use. A Comprehensive Marijuana-Infused Products Manufacturing Facility need not segregate or account for its Marijuana Products as either non-Medical Marijuana or Medical Marijuana.

CONSUMER – Someone at least twenty-one (21) years of age.

CULTIVATION – As related to activity authorized pursuant to Article XIV of the Missouri Constitution and all rules and regulations issued by the Department, the process by which a person, business, or legal Entity promotes the germination and growth of a seed to a mature Marijuana plant.

DAYCARE – A child-care facility, as defined by section 210.201, RSMo., or successor provisions that is licensed by the State of Missouri.

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

DISPENSARY FACILITY – A Medical Marijuana Dispensary Facility, a Comprehensive Marijuana Dispensary Facility, or a Microbusiness Dispensary Facility.

ELEMENTARY OR SECONDARY SCHOOL – A public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

ENCLOSED, LOCKED FACILITY – (A) A stationary, fully enclosed, locked space equipped with functioning security devices that permit access to only the Consumer(s), Qualifying Patient(s), or Primary Caregiver(s) who have informed the Department that this is the space where they will Cultivate Marijuana; and (B) the plants within the Enclosed, Locked Facility must not be visible to the unaided eye from a public space.

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.

FACILITY – The physical structure(s), including strip malls, and the premises on which the physical structures are located which are used by a licensed or certified Entity to perform its licensed or certified functions, whether the Entity is licensed or certified as a Medical Facility, Research Facility, or a Marijuana Facility.

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

IDENTIFICATION CARD – A document, whether in paper or electronic format, issued by the Department that authorizes a Consumer cultivator, Qualifying Patient, Primary Caregiver, or facility agent to access Marijuana as provided by law.

INFUSED PREROLL – A consumable or smokable Marijuana Product, generally consisting of: (1) a wrap or paper, (2) dried Flower, buds, and/or plant material, and (3) a concentrate, oil, or other type of Marijuana extract, either within or on the surface of the product. Infused Prerolls may or may not include a filter or crutch at the base of the product.

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” does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

MARIJUANA ACCESSORIES – Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing Marijuana into the human body.

MARIJUANA BUSINESS – A Marijuana Facility, a Medical Facility, and a Marijuana Research Facility.

MARIJUANA FACILITY – A Comprehensive Marijuana Cultivation Facility, Comprehensive Marijuana Dispensary Facility, Marijuana Testing Facility, Transportation 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 Department but shall not include a Medical Facility or Marijuana Research Facility.

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.

MARIJUANA PRODUCT – Marijuana, Marijuana-Infused Products, or other products made using Marijuana, including Prerolls, unless otherwise provided for in the Department’s rules.

MARIJUANA RESEARCH FACILITY – A Facility licensed by the Department where activities intended to facilitate scientific research or education related to Marijuana Product occur.

MARIJUANA TESTING FACILITY – A Facility certified by the Department to acquire, test, certify, and transport Marijuana, including those originally licensed as a Medical Marijuana Testing Facility.

MEDICAL FACILITY – Any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA CULTIVATION FACILITY– A facility licensed by the Department to engage in the process of Cultivating Marijuana that is limited to Medical Use at a Medical Marijuana Cultivation 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.

MEDICAL MARIJUANA DISPENSARY FACILITY – A Facility licensed by the Department where Marijuana is dispensed only for Medical Use. Medical Marijuana 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-INFUSED PRODUCTS MANUFACTURING FACILITY – A Facility licensed by the Department where Marijuana-Infused Products and Prerolls are manufactured only for Medical Use.

MEDICAL USE – The production, possession, delivery, distribution, transportation, or administration of Marijuana or a Marijuana-Infused Product, or Marijuana Accessories 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.

MICROBUSINESS DISPENSARY FACILITY – A Facility licensed by the Department to engage in the process of dispensing Marijuana for Medical Use or adult use. 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 the Department to where Marijuana Cultivation operations for Medical or adult use occur and/or where Marijuana-Infused Products and Prerolls are manufactured for Medical Use or adult use. A Microbusiness Wholesale Facility may cultivate up to Two Hundred and Fifty (250) Flowering Plants at any given time. A Microbusiness Wholesale Facility's authority to process Marijuana shall include the creation of Prerolls and Infused Prerolls.

NURSE PRACTITIONER – An individual who is licensed and in good standing as an advanced practice registered nurse, or successor designation, under Missouri law.

PHYSICIAN – An individual who is licensed and in good standing to practice medicine or osteopathy under Missouri 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 crutch at the base of the product.

PRIMARY CAREGIVER – An individual twenty-one (21) 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 – An individual diagnosed with at least one (1) qualifying medical condition as defined in Missouri State law and possessing a Department issued Qualifying Patient or Qualifying Patient Cultivation Identification Card.

TRANSPORTATION FACILITY –A Facility certified by the Department to house operations involving the transport of Marijuana Product from a Marijuana Facility or Medical Facility; or to a Qualifying Patient, Primary Caregiver, or Consumer.

- E. **Additional Definitions.** Where not inconsistent with the language or intent herein, the additional definitions set forth in Article II, "Definitions" are incorporated herein and shall apply. obfuscate

Section 405.1010 State License Required.

Every Marijuana Business shall have the appropriate license and any other required authorization from the Department to operate in the City. Applicant may seek zoning approval upon showing of a submitted application for a State license, but no final occupancy 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.

Section 405.1020 Spacing Requirement for Marijuana Businesses.

- A. No Marijuana Business shall be located within 1,000 feet of any then-existing Elementary or Secondary School, Day-Care Center, or Church. For the purposes of this Chapter, "then-existing" shall mean any Elementary or Secondary School, Day-Care Center, or Church, with a building permit from the City to be constructed, or under construction, or completed and in use at the time the Marijuana Business applies for zoning authorization.
- B. No Dispensary Facility shall be located within 1,000 feet of any other Dispensary Facility.
- C. For purposes of this Article XX, the above spacing requirement shall be measured as follows:
 - 1. In the case of a freestanding Facility, the distance between the Facility and the Elementary or Secondary School, Daycare, or Church shall be measured from the external wall of the Facility structure closest in proximity to the Elementary or Secondary School, Daycare, or Church to the closest point of the Property Line of the Elementary or Secondary School, Daycare, or Church. If the Elementary or Secondary 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 Elementary or Secondary 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 Elementary or Secondary School, Daycare, or Church shall be measured from the Property Line of the Elementary or Secondary School, Daycare, or Church to the Facility's entrance or exit closest in proximity to the Elementary or Secondary School, Daycare, or Church. If the Elementary or Secondary 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 Elementary or Secondary School, Daycare, or Church closest in proximity to the Facility.
 - 3. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

Section 405.1030 Standards for Cultivation Facilities.

No building or area of land shall be constructed, altered, or used for a Medical Marijuana Cultivation Facility or a Comprehensive Marijuana Cultivation Facility ("Cultivation

Facility") without complying with the following regulations and all general requirements of the PLMD – Planned Light Manufacturing/Industrial Development District.

- A. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the main building structure or outside of the main structure in a separate, fully secured, and enclosed structure.
- B. Visibility. Marijuana Product or Marijuana Accessories may not be visible from a public place outside of the Facility without the use of binoculars, aircraft, or other optical aids.
- C. Onsite Usage Prohibited. No Marijuana or Marijuana Products may be smoked, ingested, or otherwise consumed or Administered on the premises of any Cultivation Facility.
- D. Display of Licenses Required. The applicable license for the Cultivation Facility issued by the State of Missouri and all licenses or permits issued by the City shall be displayed as required by State regulations.
- E. Site Plan Review Required. Any plans for a Cultivation Facility shall meet the standard construction requirements of the PLMD-Planned Light Manufacturing/Industrial Development District outlined in this Code and approved subject to the standard procedures of 405.820 Architectural and Site Planning Review of this Code.
- F. Odor and Non-Residential District Regulations. Every Cultivation 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 all provisions of Chapter 215 Nuisances.
- G. Security. Every Cultivation Facility shall have and maintain security systems and procedures at least as stringent as that which is required by State regulations.
- H. Signage. Signage shall be in accordance with Article VII, Supplementary Regulations, Sign Regulations. Outdoor signage shall be in compliance with the rules and regulations of the Department including that the signs or advertising may not display any text other than the Facility's business name or trade name, address, phone number, website, and directional signage.
- I. Additional Requirements. All Cultivation Facilities shall comply with all applicable provisions of Article XIV of the Missouri Constitution as well as any and all applicable rules and regulations promulgated by the Department regulating Marijuana including but not limited to security requirements, lighting, parking, amount of Flowering Plants, waste disposal, inventory control systems and procedures, and environmental factors including air supply filtered through high-efficiency particulate air filters.

- J. A Cultivation Facility may be (1) a completely indoor Facility and growing operation; (2) a completely outdoor Facility and/or growing operation; or (3) a "greenhouse"/hybrid method Facility and growing operation so long as such operation complies with all regulations of the PLMD-Planned Light Manufacturing/Industrial Development District, all regulations of this Code, all applicable regulations of Article XIV of the Missouri Constitution, and any rules or regulations of the Department relating to Marijuana.

Section 405.1040 Standards for Dispensary Facilities.

No building or area of land shall be constructed, altered, or used for a Dispensary Facility without complying with the following regulations and all general requirements of the relevant C-1 Commercial and C-2 Commercial districts, including obtaining a Special Use Permit in compliance with Article X Special Uses.

- A. Outdoor Operations or Storage. No outdoor operations or storage shall be allowed.
- B. Visibility. Marijuana Product or Marijuana Accessories may not be visible from a public place outside of the Facility without the use of binoculars, aircraft, or other optical aids.
- C. Onsite Usage Prohibited. No Marijuana or Marijuana Products may be smoked, ingested, or otherwise consumed or Administered on the premises of any Dispensary Facility.
- D. Display of Licenses Required. The applicable Dispensary Facility license issued by the State of Missouri and any and all licenses or permits issued by the City shall be displayed as required by State regulations.
- E. Site Plan Review Required. Any plans for a Marijuana Dispensary Facility shall meet the standard construction requirements of the relevant C-1 Commercial and C-2 Commercial districts outlined in this Code and approved subject to the standard procedures of Article XI Review of Architecture and Site Planning of this Code .
- F. Parking and Access. As part of the application for a Special Use Permit, the applicant shall submit the estimated number of customers expected per hour or day, estimated peak times, the total number of parking spaces, description of the access to the Facility, and justification statement that the desired location has adequate parking and access to meet the expected foot and vehicle traffic without negatively impacting neighboring properties. A minimum number of parking spaces shall be provided in accordance with Section 405.590 Off-Street Parking and Loading Requirements.
- G. Drive Throughs. Dispensary Facilities must follow all requirements found in Article XI Review of Architecture and Site Planning and Article X Special Uses of this Code and obtain a Special Use Permit to utilize a drive-through. As part of the Special Use Permit process, the Board of Alderman or Planning and Zoning Commission

may require additional queuing or other conditions related to the drive through Facility to ensure the public safety is protected and the surrounding properties are not negatively affected.

- K. Odor and Non-Residential District Regulations. Every Dispensary Facility shall at all times operate in compliance with all provisions of Article IV Air, Noise and Water Pollution of Section 215.
- H. Security. Every Dispensary Facility shall have and maintain security systems and procedures at least as stringent as that which is required by State regulations, including but not limited to any display samples being secured in accordance with the Department's rules and regulations, and storage of all Marijuana Product in a locked vault when the Facility is closed.
- I. Signage. Signage shall be in accordance with Article VII Sign Regulations of this chapter. Outdoor signage shall be in compliance with the rules and regulations of the Department including that the signs or advertising may not display any text other than the Facility's business name or trade name, address, phone number, website, and directional signage.
- J. Additional Requirements. All Dispensary Facilities shall comply with all applicable provisions of Article XIV of the Missouri Constitution as well as any and all applicable rules and regulations promulgated by the Department regulating Medical Marijuana including but not limited to security requirements, waste disposal, inventory control systems and procedures, lighting, parking, and environmental factors including air supply filtered through high-efficiency particulate air filters.

Section 405.1050 Standards for Manufacturing Facilities.

No building or area of land shall be constructed, altered, or used for a Medical Marijuana-Infused Products Manufacturing Facility, Microbusiness Wholesale Facility, or Comprehensive Marijuana-Infused Products Manufacturing Facility ("Manufacturing Facility") without complying with the following regulations and all general requirements of the PLMD-Planned Light Manufacturing/Industrial Development District.

- A. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the main building structure or outside of the main structure in a separate, fully secured, and enclosed structure.
- B. Visibility. Marijuana Product or Marijuana Accessories may not be visible from a public place outside of the Facility without the use of binoculars, aircraft, or other optical aids.
- C. Onsite Usage Prohibited. No Marijuana or Marijuana Products may be smoked, ingested, or otherwise consumed or Administered on the premises of any Manufacturing Facility.

- D. Display of Licenses Required. The applicable Manufacturing Facility license issued by the State of Missouri and all licenses or permits issued by the City shall be displayed as required by State regulations.
- E. Site Plan Review Required. Any plans for a Manufacturing Facility shall meet the standard construction requirements of the relevant PLMD-Planned Light Manufacturing/Industrial Development District outlined in this Code and approved subject to the standard procedures of Article XI Architecture and Site Planning Review of this Code.
- F. Odor and Non-Residential District Regulations. Every Manufacturing 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 Article IV Air, Noise and Water Pollution of Section 215.
- G. Security. Every Manufacturing Facility shall have and maintain security systems and procedures at least as stringent as that which is required by State regulations.
- H. Signage. Signage shall be in accordance with Article VII Supplementary Regulations – Sign Regulations. Outdoor signage shall be in compliance with the rules and regulations of the Department including that the signs or advertising may not display any text other than the Facility's business name or trade name, address, phone number, website, and directional signage.
- I. Additional Requirements. All Manufacturing Facilities shall comply with all applicable provisions of Article XIV of the Missouri Constitution as well as any and all applicable rules and regulations promulgated by the Department regulating Marijuana including but not limited to security requirements, inventory control systems and procedures, waste disposal, lighting, parking, and environmental factors.

Section 405.1060 Standards for Marijuana Testing Facilities and Marijuana Research Facilities.

No building or area of land shall be constructed, altered, or used for a Marijuana Testing Facility or Marijuana Research Facility without complying with the following regulations and all general requirements of the without complying with the following regulations and all general requirements of the PLMD-Planned Light Manufacturing/Industrial Development District.

- A. Outdoor Operations or Storage. No outdoor operations or storage shall be allowed.
- B. Visibility. Marijuana Product or Marijuana Accessories may not be visible from a public place outside of the Facility without the use of binoculars, aircraft, or other optical aids.
- C. Onsite Usage Prohibited. No Marijuana or Marijuana Products may be smoked, ingested, or otherwise consumed or Administered on the premises of any

Marijuana Testing Facility or Marijuana Research Facility except for testing or research purposes utilizing methods and standards certified by the Department or other appropriate agency.

- D. Display of Licenses Required. The applicable Marijuana Testing Facility or Marijuana Research Facility License/Certification issued by the State of Missouri and all licenses or permits issued by the City shall be displayed as required by State regulations.
- J. Site Plan Review Required. Any plans for a Marijuana Testing Facility or Marijuana Research Facility shall meet the standard construction requirements of the PLMD-Planned Light Manufacturing/Industrial Development District outlined in this Code and approved subject to the standard procedures of Article XI Architecture and Site Planning Review of this Code.
- E. Odor and Non-Residential District Regulations. Every Marijuana Testing Facility and Marijuana Research Facility shall at all times operate in compliance with Article IV Air, Noise and Water Pollution of Section 215.
- F. Security. Every Marijuana Testing Facility or Marijuana Research Facility shall have and maintain security systems and procedures at least as stringent as that which is required by State regulations.
- G. Signage. Signage shall be in accordance with Article VII Supplementary Regulations – Sign Regulations. Outdoor signage shall be in compliance with the rules and regulations of the Department including that the signs or advertising may not display any text other than the Facility's business name or trade name, address, phone number, website, and directional signage, to the extent allowed by law.
- H. Accreditation, Standards, and Procedures. Every Marijuana Testing Facility and Marijuana Research 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 the testing of and research for Marijuana in all forms which are at least as stringent as those which are required by State regulations.
- I. Additional Requirements. All Marijuana Testing Facilities and Marijuana Research Facilities shall comply with all applicable provisions of Article XIV of the Missouri Constitution as well as any and all rules and regulations promulgated by the Department regulating Marijuana and the testing, research, and safety requirements thereof including but not limited to security requirements, disposal requirements, lighting, parking, and environmental factors.

Section 405.1070 Standards for Transportation Facilities.

No building or area of land shall be constructed, altered, or used for a Transportation Facility without complying with the following regulations and all general requirements of the regulations and all general requirements of the PLMD-Planned Light

Manufacturing/Industrial Development District.

- A. Outdoor Operations or Storage. No outdoor operations or storage shall be allowed unless otherwise authorized by State regulations.
- B. Visibility. Marijuana Product or Marijuana Accessories may not be visible from a public place outside of the Facility without the use of binoculars, aircraft, or other optical aids.
- C. Onsite Usage Prohibited. No Marijuana or Marijuana Products may be smoked, ingested, or otherwise consumed or Administered on the premises of any Transportation Facility.
- D. Display of Licenses Required. The applicable Transportation Facility License/Certification issued by the State of Missouri and all licenses or permits issued by the City shall be displayed as required by State regulations.
- E. Site Plan Review Required. Any plans for a Transportation Facility shall meet the standard construction requirements of the PLMD-Planned Light Manufacturing District outlined in this Code and approved subject to the standard procedures of Article XI Architecture and Site Planning Review of this Code.
- F. Odor and Non-Residential District Regulations. Every Transportation Facility shall at all times operate in compliance with all provisions of Chapter 215, "Nuisances."
- G. Security. Every Transportation Facility shall have and maintain security systems and procedures at least as stringent as that which is required by State regulations.
- H. Signage. Signage shall be in accordance with Article VII Supplementary Regulations - Sign Regulations. Outdoor signage shall be in compliance with the rules and regulations of the Department including that the signs or advertising may not display any text other than the Facility's business name or trade name, address, phone number, website, and directional signage, to the extent allowed by law.
- I. Transportation. All Transportation Facilities shall comply with all applicable rules and regulations promulgated by the Department regarding transportation of Marijuana including but not limited to security systems and requirements, transportation deadlines and locations, and GPS tracking.
- J. Additional Requirements. All Transportation Facilities shall comply with all applicable provisions of Article XIV of the Missouri Constitution as well as any and all applicable rules and regulations promulgated by the Department regulating Marijuana including but not limited to security requirements, inventory control systems and procedures, lighting, parking, environmental factors, and record retention and maintenance requirements.

Section 9. Section 405.165 ("Accessory Building and Uses"), is hereby amended by repealing Subsection E ("Qualifying Patient Medical Marijuana Cultivation") of Section

405.165 in its entirety and enacting in its place a new Subsection E, to read as follows:

E. Additional Requirements for Qualifying Patient, Primary Caregiver, and Consumer Medical Marijuana Cultivation.

1. The capitalized terms that are not defined by Section 405.060 shall be as defined in Section 405.1000 of this Code.
2. Qualifying Patient Medical Marijuana Cultivation, Primary Caregiver Medical Marijuana Cultivation, and Consumer Personal Cultivation. On any Lot in the City, a person holding a current, valid Marijuana Cultivation Identification Card issued by the State of Missouri may have as an Accessory Use Marijuana Cultivation as permitted by Article XIV of the Missouri Constitution so long as all of the following conditions are met:
 - a. The Accessory Use must take place only in a Facility that is enclosed, locked, and equipped with security devices (the "Cultivation Area"), and in conformance with all federal and Missouri laws and regulations. Consumer personal Cultivation, Qualifying Patient, and Primary Caregiver Cultivation shall not take place at a place of business.
 - b. The State-issued Marijuana Cultivation Identification Card must be clearly displayed within the Cultivation Area and in close proximity to the Marijuana plants.
 - c. The Accessory Use must have an odor control system that is at least as stringent as that which is required by Missouri regulations.
 - d. A Qualifying Patient may not hold or obtain both a Qualifying Patient Cultivation Identification Card and a Consumer personal Cultivation card at the same time, regardless if the caregiver holds a Cultivation Identification Card on behalf of the Qualified Patient.
 - e. All Marijuana cultivation must cease immediately upon the expiration, suspension, or revocation of a State-issued Marijuana Cultivation Identification Card.
 - f. Nothing in this Section shall convey or establish a right to cultivate Marijuana in a Facility or site where state or federal law or a private contract would otherwise prohibit doing so.
 - g. The following additional rules shall apply to Consumer personal Cultivation:
 - i. All Consumer personal Cultivation must take place at a private residence.
 - ii. No more than twelve (12) Flowering Plants, twelve (12) nonflowering plants 14 inches tall or more, and twelve (12) nonflowering plants under 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.

- iii. 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.
 - iv. All cultivated Flowering Plants in the possession of a Consumer shall be clearly labeled with the Consumer's name.
- h. The following additional rules shall apply to Qualifying Patient Cultivation:
- i. One (1) Qualifying Patient, the Primary Caregiver for that person on their behalf, or a Consumer for personal Cultivation, may cultivate up to six (6) Flowering Plants and six (6) non-flowering Marijuana plants fourteen (14) inches tall or more, and six (6) nonflowering plants under fourteen (14) inches tall at any given time in a Cultivation Area, subject to the limitations herein, Article XIV, and rules and regulations of the Department.
 - ii. Two (2) Qualifying Patients, who both hold valid Medical Marijuana Cultivation Identification Cards, may share one (1) Cultivation Area but no more than twelve (12) Flowering Plants and twelve (12) non-flowering Marijuana plants fourteen (14) inches tall or more, and twelve (12) non-flowering Marijuana plants under fourteen (14) inches tall or more may be cultivated in a Cultivation Area.
 - iii. Under no circumstances shall a Qualifying Patient be entitled to cultivate, or have cultivated on his or her behalf, more than six (6) Flowering Plants.
 - iv. Only one individual in a patient-caregiver relationship may be authorized for Cultivation on behalf of the Qualifying Patient.
 - v. All cultivated Flowering Plants in the possession of a Qualifying Patient or Primary Caregiver shall be clearly labeled with the Qualifying Patient's name.
- j. The following additional rules shall apply to Primary Caregiver Cultivation:
- i. A Primary Caregiver may cultivate on behalf of more than one (1) Qualifying Patient and may utilize one or more Cultivation Area(s).
 - ii. No Primary Caregiver cultivating Marijuana for more than one Qualifying Patient may exceed a total of twenty-four (24) Flowering Plants, twenty-four (24) nonflowering plants fourteen (14) inches tall or more, and twenty-four (24) nonflowering plants under fourteen (14) inches tall.

- iii. Only one individual in a patient-caregiver relationship may be authorized for Cultivation on behalf of the Qualifying Patient.
- iv. All cultivated Flowering Plants in the possession of a Primary Caregiver shall be clearly labeled with the Qualifying Patient's name.
- v. A Primary Caregiver cultivator who is also authorized as a Qualifying Patient cultivator may grow the plants that belong to them as a Qualifying Patient cultivator, and the plants grown on behalf of their Qualifying Patient(s) using the same Cultivation Area.
- vi. A Primary Caregiver cultivator who is also authorized as a Consumer personal cultivator may not grow the plants that belong to them as an authorized Consumer personal cultivator and the plants grown on behalf of their Qualifying Patient(s) using the same Cultivation Area.

Section 10. 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 Alderman 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 governed by and construed in accordance with the applicable laws of the State of Missouri.

Section 12. This Ordinance, having been read in full or by title two times prior to passage, shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 2nd DAY OF OCTOBER, 2023.

CITY OF MANCHESTER, MISSOURI

BY: 
Mayor

ATTEST:


City Clerk



BOARD OF ALDERMAN AGENDA ITEM COVER

MEETING DATE: October 2, 2023

AGENDA ITEM TITLE: Case Number 23-TXT-002
Consideration of Text Amendment to Multiple Sections of the Manchester Zoning Code Relating to Regulations for Medical and Recreational Marijuana Land Uses in Compliance with the Missouri Constitution.

AGENDA SECTION: New Legislation

BACKGROUND:

A text amendment to the City's Zoning Code relating to medical and recreational marijuana land uses is being proposed. In November 2022, Amendment 3 to the Missouri Constitution was approved and legalized the purchase, possession, consumption, use, delivery, manufacture, and sale of marijuana for personal use for adults over the age of twenty-one. As such, municipalities may not ban comprehensive marijuana uses (with exception of a dispensary facility, but only after an election) and must amend its zoning code to address these uses.

Amendment 3 established specific limitations on municipalities with respect to zoning and spacing requirements. Municipalities may enact regulations governing the "time, place, and manner of operation of such facilities in the locality" that do not conflict with Amendment 3. The City may enact regulations for comprehensive marijuana that are not "unduly burdensome" as to cause "such a high investment or expense of money, time or any other resource or asset that a reasonably prudent businessperson would not operate the facility". Municipalities may establish that recreational marijuana facilities cannot be within 1,000 feet of any existing elementary or secondary school, child daycare center or church.

The City's proposed text amendment meets the requirements of Amendment 3 and has been reviewed by the City Attorney. It establishes comprehensive marijuana as a special use in the PLMD-Planned Light Manufacturing/Industrial Development District, C-1 Commercial District, and C-2 Commercial District. Special use requirements for parking, storage, signage and more have been established.

The Planning and Zoning Commission reviewed this text amendment at its September 11, 2023 meeting and recommends approval. A Public Hearing for this text amendment will be conducted on October 2, 2023 at the Board of Alderman meeting. Proper notice for the public hearing has been provided.

Attachments:

1. Draft Ordinance

PREPARED BY:

Andrea Riganti

Andrea Riganti, AICP
Director of Planning, Zoning and Economic Development

4. APPROVAL OF AGENDA

Alderman Nolte motioned to approve the agenda, seconded by Commissioner Meyer. Motion approved unanimously by voice vote.

5. NEW BUSINESS

A. PC-23-SUP-03

Mayor Clement introduced case number PC-23-SUP-03, stating the request is for the consideration of a Special Use Permit to allow an accessory structure (shed) to be constructed at 14441 Manchester Road.

Michael Haddad, property owner and Mike Kelly, project contractor indicated they were present to respond to questions about the request. Mr. Haddad indicated that due to the expansion of his business, The Diamond Family, additional staff will be hired. Interior office space is needed to accommodate this increase. Offices currently being used as storage will be turned into staff space, leaving a void in the storage area. An outdoor shed is being proposed. Mr. Haddad was also seeking to waive any fence requirement to screen the shed.

Mr. Kelly asked if the Commission was familiar with the location of the shed. Mayor Clement indicated that this information was provided in the staff report.

Director Riganti gave the staff report, stating that the request is to allow the accessory structure on a property located in the C-1 district. The C-1 zoning district requires a Special Use Permit for accessory structures. She indicated that a fence is not an ordinance requirement for the shed. Director Riganti stated that the proposed project meets all SUP criteria, having no negative impact on open space, lighting, buffering, off-street parking, paving, sewage, stormwater, ingress/egress, rubbish, or noise.

Commissioner Streeter asked if the proposed location was paved. Mr. Haddad stated that the location for the structure is on a patch of grass. Commissioner Streeter then asked if the structure would remove too much greenspace. Director Riganti indicated that the proposed structure is not anticipated to negatively affect greenspace.

Commissioner Meyer motioned to approve the request, seconded by Commissioner Streeter. Motion carried unanimously by voice vote.

B. PC-23-TXT-02

Mayor Clement introduced case number PC-23-TXT-02 relating to comprehensive marijuana, stating that the item has been discussed at prior Commission meetings and a vote is being requested this evening.

Director Riganti stated that there were a few changes to the draft that reflected Commissioner comments from the August 28th meeting. The "non-medical" marijuana references were replaced with "adult use recreational" marijuana in the "whereas" clauses of the ordinance. Parking requirements for marijuana uses were added, as prior drafts did not specifically address this matter. Director Riganti researched how adjacent communities regulated parking for comprehensive marijuana. A majority referred to the existing parking requirements for retail uses rather than identifying separate calculations for comprehensive marijuana uses. Therefore, following the same model, the City of Manchester will refer to Section 405.290 Off-Street Parking and Loading Requirements.

Mayor Clement asked Director Riganti if she and the City Attorney were satisfied with the zoning code's conformity with the Missouri State Regulation. Director Riganti responded affirmatively.

Commissioner Streeter motioned to approve the text amendment, seconded by Commissioner Meyer. Motion carried unanimously by voice vote.

6. PLANNING, ZONING AND ECONOMIC DEVELOPMENT DIRECTOR'S REPORT

Director Riganti stated that the Commission will meet on September 25. Thusfar, there are two items on the agenda including a text amendment and a street dedication plat.

7. MAYORAL REPORT

Mayor Clement provided feedback on the homecoming event that occurred September 9th, indicating it was a successful event. He updated the Commission on the City's annexation process and St. Louis County's two open houses on the subject.

8. EX-OFFICIO'S REPORT - none

9. COMMENTS FROM THE PLANNING AND ZONING COMMISSION - none

10. ADJOURNMENT

Alderman Nolte made the motion to adjourn the Planning and Zoning Commission meeting of September 11, 2023, at 6:47p.m. Motion seconded by Commissioner Korte. Motion carried unanimously by voice vote.

Respectfully submitted by:
Loriell Campbell, Planning Technician
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