



CITY OF ROCK HILL PUBLIC HEARING NOTICE

The Rock Hill Board of Aldermen will hold a public hearing on **Tuesday, May 7, 2019 at 7:00 p.m.** at Rock Hill City Hall, 827 N. Rock Hill Road, Rock Hill, MO 63119 to hear citizen comments regarding amendments to the City Code provisions governing medical marijuana. Specifically amendments to Section 405.010 “Definitions”, Section 405.080 “Special Permits”, Section 405.350 “D” Business District, Section 405.200 “A” Residence District, Section 405.280 “C” Commercial District, and Section 405.390 “E” Industrial District. All interested parties are welcome to attend.

If you need further information in reference to this matter, please contact the City Administrator, Jennifer Yackley, AICP at (314) 561-4302 or at [jyackley@rockhillmo.net](mailto: jyackley@rockhillmo.net).

Bill No. _____

Ordinance No. _____

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

WHEREAS, an amendment to Missouri's constitution was approved by voters on November 6, 2018 to allow patient access to medical marijuana and to allow the limited production, distribution, testing, sale, and purchase of marijuana for medicinal purposes statewide; and,

WHEREAS, medical marijuana uses will be licensed and regulated by the State of Missouri; and,

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

WHEREAS, the Planning and Zoning Commission of the City of Rock Hill, 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, in accordance with the applicable ordinances of the City of Rock Hill; such application was submitted to the Planning and Zoning Commission for its investigation and report, and further that such Planning and Zoning Commission has returned its final report and has recommended approval of the proposed text amendments at its meeting on April 3, 2019; and,

WHEREAS, a notice was duly published on April 19, 2019, in the *St. Louis County Legal Ledger* a newspaper employed to do the printing and publication of these matters for the city of Rock Hill, notifying the public of the holding of a public hearing on the proposed text amendments related to medical marijuana; and,

WHEREAS, such hearing was duly held by the Board of Aldermen on May 7, 2019, at Rock Hill City Hall in conformity with such public notice, at which public hearing the parties of interest and all citizens and residents of Rock Hill were given an opportunity to be heard and were heard; and,

WHEREAS, the Board of Aldermen being fully informed finds that amending the City Code of Ordinances 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 Rock Hill and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Rock Hill, Missouri as follows:

SECTION 1: Section 405.010 Definitions is amended by adding the following new definitions as follows:

Child Day Care Center-any center whether known or incorporated under another title or name, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty –four hour day.

House of Worship-any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose, exclusive of a personal residence.

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 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 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 Marijuana-Infused Products Manufacturing Facility.

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 in accordance with applicable law and regulations.

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, or to another Medical Marijuana-Infused products Manufacturing Facility.

Medical Marijuana Testing Facility-a facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

SECTION 2: Section 405.080 “Special Permits” shall be amended by deleting Subsection 6 and replacing it with the language below:

6. Greenhouses and nurseries for the propagation and cultivation of plants, excluding marijuana; provided that any structures shall be not less than one hundred (100) feet from all property lines.

SECTION 3: Article IX “D” Business District, Section 405.350 “Use Regulations” shall be amended by deleting Subsection 14 and replacing it with the language below:

14. Drugs and pharmaceutical manufacturing, excluding marijuana

SECTION 4: Article II “A” Residence District, Section 405.200 “Use Regulations” shall be amended by adding the following new use to Subsection A as follows:

10. Personal cultivation of marijuana, subject to the following specific standards:
 1. Only those individuals licensed by the State of Missouri for personal cultivation of medical marijuana may cultivate marijuana under this Section.
 2. All cultivation activities shall occur only within an enclosed building equipped with security measures sufficient to prevent access by children or other unauthorized persons.
 3. Cultivation activities may occur only on parcels with an existing legal residence occupied by a full-time resident holding a personal cultivation license from the State of Missouri.
 4. All buildings used for cultivation shall be equipped with odor control filtration and ventilations systems such that odors of marijuana cannot be detected from outside the building.
 5. Lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.
 6. The use of generators to power cultivation equipment is prohibited, except as short-term temporary emergency back-up.
 7. Any person or entity licensed by the State of Missouri for cultivation as a patient or a primary care giver shall be in compliance with the requirements of the license at all times, and any failure of compliance shall be a violation of this section, punishable upon conviction as provided in Section 100.080 of this code. In addition, such non-compliance may be

evidence of the existence of a public nuisance, which may be acted upon as provided in Chapter 220 of this code.

SECTION 5: Article V "C" Commercial District, Section 405.280 "Use Regulations" shall be amended by adding the following new use to Subsection A as follows:

28. Medical Marijuana Dispensary Facility, subject to the following specific standards:

1. No such use shall be sited within five hundred feet of any then-existing elementary or secondary school, child day care center, or house of worship. The five hundred foot distance shall be measured as follows:

- a. Freestanding facility-measured from the property line of the facility to the closest point of the property line of the school, child day care center, or house of worship.
- b. Non-freestanding facility-measured from the property line of the school, child day care center, or house of worship to the facility's entrance or exit closest in proximity to the school, child day care center, or house of worship.
- c. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

2. Marijuana dispensing activities shall occur only within an enclosed building.

3. All structures used for dispensing activities shall be equipped with odor control filtration and ventilation systems such that the odors of marijuana cannot be detected from outside the structure. An odor mitigation plan shall be submitted to the city during either the site plan review process or the occupancy permit process, whichever occurs first.

4. Lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

5. Any person or entity licensed by the State of Missouri for a medical marijuana dispensary facility shall be in compliance with the requirements of the license at all times, and any failure of compliance shall be a violation of this section, punishable upon conviction as provided in Section 100.080 of this code. In addition, such non-compliance may be evidence of the existence of a public nuisance, which may be acted upon as provided in Chapter 220 of this code.

SECTION 6: Article X "E" Industrial District, Section 405.390 "Use Regulations" shall be amended by adding the following new uses to Subsection A as follows:

20. Medical Marijuana Testing Facility

Any person or entity licensed by the State of Missouri for a medical marijuana testing facility shall be in compliance with the requirements of the license at all times, and any failure of compliance shall be a violation of this section, punishable upon conviction as provided in Section 100.080 of this code. In addition, such non-compliance may be evidence of the existence of a public nuisance, which may be acted upon as provided in Chapter 220 of this code.

21. Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility subject to the following specific standards:

1. No such use shall be sited within five hundred feet of any then-existing elementary or secondary school, child day care center, or house of worship. The five hundred foot distance shall be measured as follows:

- a. Freestanding facility-measured from the property line of the facility to the closest point of the property line of the school, child day care center, or house of worship.
- b. Non-freestanding facility-measured from the property line of the school, child day care center, or house of worship to the facility's entrance or exit closest in proximity to the school, child day care center, or house of worship.
- c. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

2. Marijuana cultivation, manufacturing, and dispensing activities shall occur only within an enclosed building.

3. All structures used for cultivation, manufacturing, and dispensing activities shall be equipped with odor control filtration and ventilation systems such that the odors of marijuana cannot be detected from outside the structure. An odor mitigation plan shall be submitted to the city during either the site plan review process or the occupancy permit process whichever occurs first.

4. Lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

5. Any person or entity licensed by the State of Missouri for a Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or a

Medical Marijuana-Infused Products Manufacturing Facility shall be in compliance with the requirements of the license at all times, and any failure of compliance shall be a violation of this section, punishable upon conviction as provided in Section 100.080 of this code. In addition, such non-compliance may be evidence of the existence of a public nuisance, which may be acted upon as provided in Chapter 220 of this code.

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