

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FESTUS, MISSOURI, AMENDING CHAPTER 405 OF THE CODE OF ORDINANCES OF THE CITY OF FESTUS TO AUTHORIZE MARIJUANA DISPENSARIES AS A CONDITIONAL USE IN THE B-2 AND B-3 DISTRICTS, TO AUTHORIZE MEDICAL MARIJUANA CULTIVATION FACILITIES, MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITIES, MEDICAL MARIJUANA TRANSPORTATION FACILITIES, AND MEDICAL MARIJUANA TESTING FACILITIES AS CONDITIONAL USES IN THE I-1 DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on November 6, 2018, a majority of the qualified voters of the State of Missouri approved the adoption of Amendment 2 to the Missouri Constitution, enacting Article XIV, Section 1, relating to access to medical marijuana, which became effective on December 6, 2018; and

WHEREAS, Amendment 2 provides for the Missouri Department of Health and Senior Services to license and regulate medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, medical marijuana transportation facilities, and medical marijuana testing facilities, to ensure that qualifying patients have access to medical marijuana to treat qualifying medical conditions; and

WHEREAS, Amendment 2 permits cities to enact ordinances not in conflict therewith governing the time, place, and manner of operation of medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, medical marijuana transportation facilities, and medical marijuana testing facilities; and

WHEREAS, the City of Festus wishes to regulate the location and operation of medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, medical marijuana transportation facilities, and medical marijuana testing facilities to protect the health, safety, and welfare of the residents, businesses, and property owners in the City of Festus; and

WHEREAS, City Staff has determined that medical marijuana dispensary facilities would be an appropriate use in the B-2 and B-3 Districts, and the City's Code provides that all conditional uses in the B-2 District shall be conditional uses in the B-3 District; and

WHEREAS, City Staff has determined that medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, medical marijuana transportation facilities, and medical marijuana testing facilities should be limited to a conditional use in the I-1 District; and

WHEREAS, a public hearing was conducted before the Planning and Zoning Commission on August 15, 2019, regarding this Ordinance, and the Planning and Zoning Commission recommended that the City Council approve such Ordinance; and

WHEREAS, notice of a public hearing before the City Council scheduled for August 28, 2019, regarding this Ordinance was published in accordance with § 89.060, RSMo.; and

WHEREAS, the City Council finds that it would be in the best interest of the people of the City of Festus to enact regulations relating to medical marijuana facilities within the City;

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

SECTION I. Section 405.370(B) of the Code of Ordinances of the City of Festus, Missouri, is hereby amended by the addition of subdivision (15), to read as follows:

**TITLE IV. LAND USE**

**CHAPTER 405. ZONING REGULATIONS**

**ARTICLE II. DISTRICT REGULATIONS**

**SECTION 405.370. DISTRICT “B-2” COMMUNITY RETAIL DISTRICT**

...

**B.** The following uses shall also be permitted by conditional use permit (Section 405.570):

...

**15.** Medical marijuana dispensary facilities which are licensed by the Missouri Department of Health and Senior Services, provided that a dispensary shall not be located within one hundred (100) feet of the property line of any elementary or secondary school, state licensed child day-care center, church, or any residence. Medical marijuana dispensary facilities granted a conditional use permit under this Section shall not be open to the public except during the hours of 8:00 a.m. through 8:00 p.m.

...

SECTION II. Section 405.380(B)(1) of the Code of Ordinances of the City of Festus, Missouri, is hereby amended by the addition of the underlined language, to read as follows:

**TITLE IV. LAND USE**

**CHAPTER 405. ZONING REGULATIONS**

**ARTICLE II. DISTRICT REGULATIONS**

**SECTION 405.380. DISTRICT “B-4” HIGHWAY BUSINESS DISTRICT**

...

**B.** The following uses shall also be permitted by conditional use permit (Section 405.570):

1. Any retail business, service establishment or office not a principal use, provided that the goods supplied or services offered are intended primarily for the highway traveler rather than the residents of the community, but not including any use prohibited herein or designated as a principal use in district “I-1”, provided that medical marijuana dispensary facilities, medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana transportation facilities, and medical marijuana testing facilities shall not be a permitted or conditional use in this District;

...

SECTION III. Section 405.390(B) of the Code of Ordinances of the City of Festus, Missouri, is hereby amended by the addition of subdivision 9, to read as follows:

**TITLE IV. LAND USE**

**CHAPTER 405. ZONING REGULATIONS**

**ARTICLE II. DISTRICT REGULATIONS**

**SECTION 405.390. DISTRICT “I-1” INDUSTRIAL DISTRICT**

...

**B.** The following uses shall also be permitted by conditional use permit (Section 405.570):

...

9. Medical marijuana cultivation facilities, medical marijuana-infused product manufacturing facilities, medical marijuana transportation facilities, and medical marijuana testing facilities which are licensed by the Missouri Department of Health and Senior Services, provided that

they shall not be located within one hundred (100) feet of the property line of any elementary or secondary school, state licensed child day-care center, church, or any residence.

...

SECTION IV. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION V. This Ordinance shall be in full force and effect upon its passage by the City Council and the approval of the Mayor.

READ TWO TIMES AND PASSED THIS 29 DAY OF August, 2019.

  
\_\_\_\_\_  
President of the City Council

APPROVED THIS 29 DAY OF August, 2019.

  
\_\_\_\_\_  
Mayor of the City of Festus

  
\_\_\_\_\_  
City Clerk

