Medical Marijuana Facility Zoning Ordinance Interpretation

**Subject:** Medical Marijuana (MM) Facilities

**Purpose:** The purpose of this interpretation is to clarify the requirements of the Zoning Ordinance concerning the siting of MM facilities in various zoning districts.

**Background:** In November 2018, the voters of the State of Missouri voted to enshrine the right of access to marijuana for medical purposes into the State’s Constitution. Since that time, the Department of Health and Senior Services has worked to create a regulatory framework that will govern all MM facilities across the state.

The State recognizes four types of MM facilities – MM Cultivation Facility, MM-Infused Manufacturing Facility, MM Testing Facility, and MM Dispensary Facility. Each of these facility types perform a different function in the MM regulatory framework. A MM Cultivation Facility is where marijuana is grown, a MM-Infused Manufacturing Facility is where marijuana is turned into a product for consumption, a MM Testing Facility is where marijuana plants and products are tested, and a MM Dispensary Facility is where qualifying patients and their caregivers can purchase marijuana for medical purposes.

As of the writing of this document, the County Council has not passed an amendment to the Zoning Ordinance explicitly defining these uses nor providing regulation in which zoning districts they shall be located.

**Interpretation:** In the absence of an amendment to the Zoning Ordinance, County staff have studied each facility type and interpret the Zoning Ordinance as allowing MM facilities in the following districts:

- **MM Testing Facility:** Staff finds this use is a *Research Facility or Laboratory*. As such, it is a permitted use in the C-6 Office & Research Service District, the M-1 Industrial District, and the M-2 Industrial District.

- **MM Cultivation Facility:** Staff finds when this use is conducted outdoors or in a greenhouse, this use is *Farming*. As such, it is a permitted use in the NU Non-Urban District, the KP Karst Preservation District, and the R-1 Residence District. When conducted indoors, this use is *Manufacturing*. As such, it is a permitted use in the M-1 Industrial District and the M-2 Industrial District.

- **MM-Infused Manufacturing Facility:** Staff finds this use is *Manufacturing*. As such, it is a permitted use in the M-1 Industrial District and the M-2 Industrial District.

- **MM Dispensary Facility:** Staff finds this use is a *store in which pharmaceuticals are sold directly to the public for consumption elsewhere than on the premises*. As such, it is a permitted use in the C-1 Neighborhood Business District, the C-2 Shopping District, and the C-3 Shopping District.

Beyond the straight zoning districts, staff notes that the three planned districts (C-8, M-3, MXD) may allow MM facilities, depending on the permitted uses in the site specific ordinance. Each planned district ordinance will be evaluated independently.

MM facilities are not considered to be a home occupation.
Comment: When siting a MM facility in unincorporated St. Louis County, the MM facility must also adhere to the State’s 1,000 foot locational buffer from any then existing elementary or secondary school, child care center, or place of worship. The State’s measurement rules are as follows:

a. In the case of a freestanding medical marijuana facility, the distance between the MM facility and an elementary or secondary school, child care center, or place of worship shall be measured from the external wall of the MM facility structure closest in proximity to the elementary or secondary school, child care center, or place of worship to the closest point of the property line of the elementary or secondary school, child care center, or place of worship. If the elementary or secondary school, child care center, or place of worship is part of a larger structure, the distance shall be measured to the entrance of the elementary or secondary school, child care center, or place of worship.

b. In the case of a medical marijuana facility as part of a larger structure, the distance between the MM facility and the elementary or secondary school, child care center, or place of worship shall be measured from the property line of the elementary or secondary school, child care center, or place of worship to the MM facility’s entrance or exit closest in proximity elementary or secondary school, child care center, or place of worship. If the elementary or secondary school, child care center, or place of worship is part of a larger structure, the distance shall be measured to the entrance of the elementary or secondary school, child care center, or place of worship.

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

Medical marijuana location verification requests shall be submitted to the Department of Planning with an application, $100 fee, and map showing address of the site and compliance with the distance buffers. The Department of Planning will determine if the medical marijuana facility meets these requirements or if an on-site inspection by Public Works is required (with fee) and will prepare a report to the Zoning Enforcement Officer.

For questions pertaining to the siting of MM Facilities, contact Jacob Trimble in the Department of Planning at (314) 615-7852.

This interpretation is issued by:

\[Signature\]

Gail Choate | Acting Director of Planning
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