

GENERAL **ORDINANCE No.**

AN ORDINANCE AUTHORIZING AN AMENDMENT TO SECTION 31-010 "DEFINITIONS," 31-029 "C-1 NEIGHBORHOOD SHOPPING DISTRICT," AND 31-034 "M-1 LIGHT MANUFACTURING DISTRICT" AND ENACTING A NEW SECTION 31-012 "MEDICAL MARIJUANA FACILITIES," ALL IN CHAPTER 31 "ZONING," OF THE CODE OF ORDINANCES TO PROVIDE LAND USE REGULATIONS RELATED TO THE CULTIVATION, DISPENSING, AND TESTING OF MEDICAL MARIJUANA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council hereby supports an amendment to Chapter 31, Article I, Division 1, of the Code of Ordinances of the City of St. Joseph, Missouri, repealing Section 31-010 "Definitions" and enacting in lieu thereof a new Section 31-010 to be numbered, entitled and read as follows:

Sec. 31-010. Definitions.

(a) For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following:

(1) *Accessory structure*: A structure that:

- a. Is subordinate to and serves a principal structure;
- b. Is subordinate in area, extent or purpose to the principal structure served;
- c. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure; and
- d. Is located on the same lot as the principal structure served.

(2) *Accessory use*: A use of land or of a building or portion thereof which:

- a. Is subordinate to and serves a principal use;
- b. Is subordinate in area, extent or purpose to the principal use served;
- c. Contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal use;
- d. Is related to the principal use of the property;
- e. Is located on the same lot as the principal use served; and
- f. Is not injurious, noxious or offensive to the neighborhood.

(3) *Adult entertainment*: Those uses or places of business which fall under the regulations contained in Chapter 8, Article 10 of the St. Joseph, Missouri Code of Ordinances.

(4) *Agriculture*: The growing of crops, raising of livestock or poultry, or nurseries for the growing of outdoor plants, trees or ornamental shrubs for transplanting or truck gardens for the growing of fruits or vegetables when such practice is carried out on plots of ground of three acres or more.

- (5) *Alley*: A public way which is used primarily for vehicular access to the back or side of abutting properties.
- (6) *Apartment*: A room or a suite of rooms within an apartment building arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.
- (7) *Apartment building*: A building arranged, intended or designed for more than two families, on a rental or lease basis.
- (8) *Apartment, garden*: An apartment building located on a lot either singly or together with other similar apartment buildings, and which building does not exceed three stories.
- (9) *Automobile wrecking*: The collecting and dismantling or wrecking of two or more used vehicles or trailers, or the storage, sale or dumping of two or more dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- (10) *Basement*: That portion of a building which is partially or completely below grade. A basement shall be considered a story where the finish surface of the floor above the basement is:
 - a. More than six feet above the average finished grade around the building;
 - b. More than six feet above the finished ground level for more than 50% of the total building perimeter; or
 - c. More than 12 feet above the finished ground at any point.
- (11) *Bed and Breakfast*: An owner-occupied dwelling or portion thereof, that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.
- (12) *Billboard Sign*: Any sign, the principal purpose of which is to convey a message which is neither conducted, rendered, or sold at the property on which the sign is placed.
- (13) *Board*: Refers to the zoning board of adjustment of the City of St. Joseph, Missouri.
- (14) *Boardinghouse*: A building, other than a hotel, in which are provided sleeping accommodations for rent to more than five persons on either a transient or permanent basis, with or without meals, but without providing kitchens for individual units.
- (15) *Brew pub*: An eating and/or drinking establishment where alcoholic beverages are brewed or distilled on-site and served for on-site consumption or packaged retail sales.
- (16) *Building*: A structure enclosed within exterior walls or firewalls and covered by a roof.
- (17) *Car lot*: A parcel of land on which automobiles in operable condition are

regularly displayed for sale.

- (18) *City*: The City of St. Joseph.
- (19) *Club*: An association of persons for some common object, jointly supported and meeting periodically.
- (20) *Commission*: Refers to the planning commission of the City of St. Joseph, Missouri.
- (21) *Conceptual development plan*: A set of drawings and diagrams which depict a proposed development in concept, including site layout, landscaping and architectural themes.
- (22) *Conditional use permit*: A discretionary permit approved by the Commission and City Council permitting, with or without additional conditions, a use which may have extraordinary characteristics which may have detrimental impacts to the street, neighborhood or commercial or industrial district.
- (23) *Condominium*: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as, yards, fountains, basements, floors, walls, hallways, stairways, elevators and all other related common elements. Each individual particular unit or apartment in such building is owned individually in fee. This kind of ownership is not confined to residential buildings such as apartments, but it also extends to offices and other types of space in commercial buildings.
- (24) *Council*: Refers to the City Council of the City of St. Joseph, Missouri.
- (25) *Day care home or day nursery home*: A "day care home or day nursery home" is a family home, occupied as a permanent residence by the day care provider, in which family-like care is given for any part of the twenty-four hour day, for compensation or otherwise, to children who are not related to the day care provider and which is licensed by the State of Missouri, except those operated by a school system or in connection with a business establishment as a convenience for its customers and except boarding homes for children.
- a. Small day care home is a home which provides day care to four or fewer children under 16 years of age.
 - b. Large day care home is a home which provides day care to five to ten children under 16 years of age.
- (26) *Day nursery center*: A house or other place conducted or maintained by any person who advertises or holds himself out as providing care for more than ten children during the daytime, for compensation or otherwise, except those establishments as a convenience for its customers, and except boarding homes for children.
- (27) *Director*: Refers to the director of community services of the City of St. Joseph, Missouri.

- (28) *Dwelling*: A building or portion thereof, designed exclusively for residential occupancy, but not motels, hotels or travel trailers.
- (29) *Dwelling, one-family detached*: A building containing one detached dwelling unit.
- (30) *Dwelling, two-family detached*: A building containing no more than two dwelling units.
- (31) *Dwelling, multiple*: A building containing more than two dwelling units.
- (32) *Easement*: A right-of-way granted, but not dedicated, for limited specific use of private land for a public, quasi-public or private purpose and within which the owner of the property shall not erect any permanent structures.
- (33) *Exception*: A special permit granted by the board of adjustment or landmark commission, as the case may be, to deviate from certain specified standards and to allow certain specified uses of land following a hearing and making the required findings. Deviating from the specified standards and uses are generally not detrimental to a neighborhood or area by themselves but may be if uncontrolled.
- (34) *Family*: One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of unrelated persons of not more than eight (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.
- (35) *Farmers markets*: A regular periodic sales activity held within a building, structure or open area where groups or individual sellers offer the sale of fruits, vegetables or other goods commonly produced on farms or home gardens.
- (36) *Flea markets*: Any place where two or more persons occupy individual stands for the purpose of buying, selling, trading or exchanging personal property, and not to include garage sales.
- (37) *Foster care home*: A private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, adoption, or marriage.
- (38) *Garage, commercial*: A building or portion thereof, other than a private garage, or car wash, designed or used for servicing, repairing or equipping motor-driven vehicles including major and minor mechanical repair, and excluding paint and body work. Overnight storage of vehicles to be worked on the next day is allowed.
- (39) *Garage, private*: An enclosed building for the storage of motor vehicles with no provisions for repairing or servicing such vehicles for profit.

- (40) *Garage sales*: A sale of personal property conducted at any resident dwelling or group of dwellings. Garage sales are regulated by the provisions contained in Chapter 23, Article I, of the St. Joseph, Missouri, Code of Ordinances.
- (41) *Garage, storage*: A building or portion thereof, except those defined as a private or a commercial garage, providing storage for more than four motor vehicles.
- (42) *Group home for mentally or physically handicapped*: A building or portion thereof designed or used for the purpose of providing twenty-four-hour-a-day residential living accommodations pursuant to the adopted building, house and fire codes, in exchange for payment of money or other consideration, where the tenants are afflicted with a mental or physical handicap requiring monitored care.
- (43) *Height of buildings or structures*: The vertical distance from the average finished grade adjoining the building to the average height of the highest roof surface (see Appendix, pp. 109-112, for illustration).
- (44) *Heliport*: An area, either at ground level or elevated on a structure, to be used for the landing, takeoff, parking and maintenance of helicopters and is not limited to parking areas, maintenance facilities, fuel storage facilities and passenger waiting rooms.
- (45) *Helistop*: A helistop is a heliport for the landing and take-off of helicopters, but without maintenance facilities, passenger waiting rooms and fuel storage facilities.
- (46) *Home occupation*: An accessory use carried out by the occupants for compensation in a residential dwelling unit.
- (47) *Hotel*: A facility offering transient lodging accommodations on a daily rate to the general public.
- (48) *Household pets*: Small animals commonly found in residential areas such as chickens, ducks, geese, rabbits, dogs and cats, but excluding bovine or equine animals, goats, sheep, or swine. This code does not regulate the keeping of small household pets such as fish, birds or rodents. Other non-dangerous animals as specified in Sec. 5.3, Dangerous and prohibited animals, may be permitted pursuant to these regulations.
- (49) *Indirect illumination*: The process of lighting a surface by use of electrical lights whereby the source of the light is not exposed to view.
- (50) *Junk*: Means old, dilapidated, abandoned or scrap rubber metal, paper, plastic, glass, appliances, furniture, beds, debris, waste, dismantled or wrecked vehicles, or parts thereof.
- (51) *Junkyard*: Means an establishment, area or place of business maintained, operated or used for the storing, keeping, buying or selling of junk or for the operation of a motor vehicle junkyard as defined in Chapter 23, Article IV, of the St. Joseph, Missouri, Code of Ordinances.

- (52) *Landmark Commission*: Refers to the landmark commission of the City of St. Joseph.
- (53) *Lodging house*: (Equivalent to "Boarding House".)
- (54) *Lot*: A legal lot of record or a parcel of land approved in accordance with the procedures set forth in Chapter 26, Subdivision Regulations, of this Code of Ordinances, intended to be separately owned, developed and otherwise used in accordance with the provisions of this chapter (see Appendix, pp. 109-112, for illustration).
- (55) *Lot, corner*: A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot (see Appendix, pp. 109-112, for illustration).
- (56) *Lot, depth*: The average distance from the front lot line to the rear lot line (see Appendix, pp. 109-112, for illustration).
- (57) *Lot, flag*: A lot having access to a street by means of a private driveway or lot which does not meet the lot width requirements of this chapter.
- (58) *Lot, interior*: A lot which is not a corner lot (see Appendix, pp. 109-112, for illustration).
- (59) *Lot, reverse corner*: A corner lot whose front lot line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of adjacent interior lots (see Appendix, pp. 109-112, for illustration).
- (60) *Lot, non-conforming*: A lot which does not comply with one or more requirements of the regulations contained in this Code of Ordinances.
- (61) *Lot, through*: An interior lot having frontage on two streets (see Appendix, pp. 109-112, for illustration).
- (62) *Lot lines*: The lines bounding a lot (see Appendix, pp. 109-112, for illustration).
- (63) *Lot line, front*: On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing primary access; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained (see Appendix, pp. 109-112, for illustration).
- (64) *Lot line, rear*: The boundary line which is opposite and most distant from the front lot line. A lot bounded by three lot lines will not have a rear lot line (see Appendix, pp. 109-112, for illustration).
- (65) *Lot line, side*: Any lot line which is not a front or rear lot line (see Appendix, pp. 109-112, for illustration).
- (66) *Lot of record*: A parcel of land shown with a separate and distinct number or letter on an official map in the office of the recorder of Buchanan County or a

parcel of land shown as separate and distinct from contiguous property upon a map approved by the council, commission or director in the manner provided by ordinance, or a lot which is part of a subdivision, the plat of which has been duly recorded.

- (67) *Lot width*: The horizontal distance between side lot lines measured at the minimum front setback line.
- (68) *Main building*: A building in which the principal use or uses of the premises are contained.
- (69) *Manufactured homes*: A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Sec. 5401 and is to be used as a place for human habitation but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home.

(70) *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 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.*

(71) *Marijuana-infused products means 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.*

(72) *Materials*: Any organic or inorganic item, either wholly or partially manufactured, fabricated, processed or raw, including but not limited to, animal, vegetative or earthen items; brick; concrete; glass, metal, plastic, porcelain, rock, steel and wood.

(73) *Medical marijuana cultivation facility means 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.*

(74) *Medical marijuana dispensary facility means 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 as provided in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a*

medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(75) Medical marijuana-infused products manufacturing facility means 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.

(76) Medical marijuana facility means any building or parcel of land on which a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or medical marijuana testing facility is located, or on which medical marijuana is grown, processed, or distributed for commercial purposes.

(77) Medical marijuana testing facility means a facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

(78) *Mobile homes (or trailers)*: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

(79) *Mobile home park*: A parcel of land (zoned R-5) wherein two or more mobile homes as herein defined are located, whether for or without compensation and shall include all accessory buildings. Mobile home park shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

(80) *Modular home*: Factory-built housing bearing the seal issued by the Missouri Public Service Commission indicating compliance with the State of Missouri Modular Standards and Regulations for modular homes.

(81) *Motel*: (Equivalent to "Hotel.")

(82) *Motor hotel*: (Equivalent to "Hotel.")

(83) *Nonconforming use or building*: A use or building which does not comply with the regulations of the district or districts in which it is situated at the time of the passage of this ordinance.

(84) *Nursing or convalescent home*: The term "nursing" or "convalescent" home means a private home, institution, building, residence or other place, whether operated for profit or not, which provides, through its ownership or management, maintenance, personal care or nursing for three or more individuals not related to the operator, who by reason of illness, physical infirmities or advanced age are unable to care completely for themselves; or provides sheltered care to three or more individuals not related to the operator, which includes treatment or services which meet some need of the individual beyond the basic requirements for food, shelter and laundry.

- (85) *Off-heliport landing site*: A take-off and landing area intended for emergency or temporary helicopter use and having no auxiliary facilities.
- (86) *Parking lot*: A parcel of land devoted to unenclosed parking spaces.
- (87) *Place*: An open, unoccupied space other than a street or alley, at least 20 feet in width, permanently reserved or granted by a recorded instrument in writing as the principal means of access to all abutting or adjacent property.
- (88) *Planned Unit Development*: An area to be planned, developed, and maintained with a common architectural and landscaped theme.
- (89) *Porch*: A roofed, open area usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned or if glazed.
- (90) *Recreational vehicle*: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Recreational vehicle includes, but is not limited to, trailers, motor coach homes, converted trucks, busses or vans, and boats and boat trailers.
- (91) *Recycling center*: A facility where post-consumer recyclable material, such as cans, bottles, etc., is collected, separated and/or processed and stored in containers or a building prior to shipment to other facilities.
- (92) *Residential care facility*: A building or portion thereof designed or used for the purpose of providing twenty-four-hour-a-day residential living accommodations pursuant to the adopted building, housing and fire codes, in exchange for payment of money or other consideration, where the duration of tenancy is determined, in whole or in part, by the individual tenant's participation in group or individual activities such as counseling, recovery planning, medical or therapeutic assistance. Residential care facilities include, but are not limited to, residential care facilities for the elderly, alcoholism, or drug abuse recovery or treatment facilities, and other similar care facilities.
- (93) *Ringelmann Chart*: A chart published and used by the United States Bureau of Mines to measure smoke and particulate matter emissions.
- (94) *Row House*: (Equivalent to "Townhouse.")
- (94) *Salvage yard*: An area used for the sale or storage of secondhand building materials and supplies and other secondhand merchandise and materials which are not housed in a building.
- (96) *Setback*: The required minimum distance between the lot line and the nearest front, side or rear building line.
- (97) *Shipping container*: An intermodal freight container or other large container, in whole or in part, designed and manufactured for the reusable storage and

transport of materials and products across different modes of transportation – from ship to rail to truck – without unloading and reloading its cargo.

- (98) *Sight-obscuring fence*: An assembly with pickets, balustrades, posts or other opaque members of a density greater than 50% of the total assembly.
- (99) *Sign*: Any device, fixture, placard or structure that uses color, form, graphics, symbol, writing or illumination to advertise, announce the purpose of, identify, call attention to or communicate information of any kind to the public. Specific sign regulations are contained in Article II of this zoning ordinance.
- (100) *Small house*: A structure not less than 128 square feet and not to exceed 900 square feet and not exceeding two stories in height and intended for use as a permanent, single family residence. The structure must be connected to public utilities (electric, water and sewer). A manufactured home, mobile home or travel unit as defined in this section are not considered a small house.
- (101) *Small house development*: Any development, site, parcel or tract of land designated, maintained or intended to be used for the purpose, placement or construction of a small house, as defined in this section.
- (102) *Stable, private*: An accessory building in which animals are kept for private use by the occupants of the premises and not for remuneration, hire or sale.
- (103) *Stable, public*: A structure in which animals are housed, boarded, kept for remuneration, or used for pleasure riding or driving.
- (104) *Story*: That portion of a building included between a floor and the floor or ceiling next above it.
- (105) *Street*: A public or private way which provides principal means of vehicular access to property abutting it.
- (106) *Street line*: The property line between the street and the abutting property.
- (107) *Street width*: The average distance across any street between intersections.
- (108) *Structure*: Anything constructed or erected, including, but not limited to, signs and gasoline pumps, and excepting pavement and utility poles.
- (109) *Structural alterations*: A modification of or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.
- (110) *Tiny house*: See “small house.”
- (111) *Townhouse*: A dwelling project consisting of three or more individual dwelling units arranged in a row where units share a common wall.
- (112) *Trailer court*: (Equivalent to "Mobile Home Park.")
- (113) *Transient*: Any individual who occupies or is entitled to occupancy for a period

of 30 consecutive calendar days or less.

- (114) *Travel trailer*: (Equivalent to "Recreational Vehicle").
- (115) *Usable rear yard area*. That area bounded by the rear lot line(s) and the rear building lines extended to the side lot lines.
- (116) *Variance*: Relief from or variation of the provisions of these regulations, other than use regulations, which shall be applied only to a specific piece of property. Use regulations may be altered only by amendment to the zoning ordinance. Variance procedures are contained in Section 31-092.
- (117) *Vehicle*: Any mechanical device on wheels designed primarily for use, or used, on streets or highways, except motorized bicycles, vehicles propelled or drawn by horses, or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.
- (118) *Vehicle storage lot*. A commercial establishment, place of business or area maintained and operated or used for the storage of vehicles in operable or non-operable condition, outside an enclosed building. Areas used for the sale of vehicles in operable condition are specifically exempt from this definition. Nothing in this definition shall be construed to prohibit an otherwise permitted accessory use defined in this code.
- (119) *Yard*: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided.
- (120) *Yard, front*: A yard across the full width of the lot from the front line of the main building to the front line of the lot (see Appendix, pp. 109-112, for illustration).
- (121) *Yard, rear*: A yard across the full width of the lot from the rear line of the main building to the rear line of the lot (see Appendix, pp. 109-112, for illustration).
- (122) *Yard, side*: A yard between the side line of the main building and the adjacent side line of the lot and extending entirely from the front yard to the rear yard (see Appendix, pp 109-112, for illustration). (b) In case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.
- (c) Words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; words in the masculine gender include the feminine gender; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" or the word "must" is mandatory; the term "used for" includes the meaning "designed for" or "intended for". Any terms not herein defined shall be construed as defined in the building code of the City of St. Joseph, Missouri.
- (d) Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items or provisions shall apply;
- (2) "Or" indicates that the connected items or provisions shall apply;
- (3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

(e) All public officials, bodies, and agencies to which reference is made are those of the City unless otherwise indicated.

SECTION 2. That the City Council hereby supports an amendment to Chapter 31, Article I, Division 1, of the Code of Ordinances of the City of St. Joseph, Missouri, enacting a new Section 31-012 entitled "Medical marijuana facilities" to be numbered, entitled, and read as follows:

Sec. 31-012. Medical marijuana facilities.

- (a) No medical marijuana facilities may be operated or maintained within 300 feet of any elementary or secondary school, child day-care center that is licensed by the State of Missouri, or church.
- (b) No medical marijuana facilities may be operated or maintained within 500 feet of any establishment licensed under Article X of Chapter 8 of this code.
- (c) No medical marijuana facilities may be operated or maintained within 500 feet of another medical marijuana facility with a like license except when medical marijuana sales represent less than 5% of the dollar volume of business in a state or federally licensed pharmacy or when the medical marijuana facilities share the same ownership.

SECTION 3. That the City Council hereby supports an amendment to Chapter 31, Article I, Division 2, of the Code of Ordinances of the City of St. Joseph, Missouri, repealing Section 31-029 "C-1 neighborhood shopping district" and enacting in lieu thereof a new Section 31-029 to be numbered, entitled and read as follows:

Sec. 31-029. C-1 neighborhood shopping district.

- (a) *Purpose.* The C-1 neighborhood shopping district is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is also intended to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods.
- (b) *Use Regulations.* In District C-1 no building, structure, land or premises shall be used; and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered other than in conformance with the provisions of this section.

(c) *Permitted uses.* The following uses shall be permitted in C-1 districts; provided that they are conducted entirely within buildings or enclosed patios, except parking, special temporary or seasonal displays, and outdoor seating, and provided a Conditional Use Permit is not otherwise required for any portion of the business.

- (1) Any use permitted in District C-O.
- (2) Accessory uses as provided in Section 31-050.
- (3) Art studio and gallery.
- (4) Bed and breakfast establishments, and boarding homes.
- (5) Clubs, either for-profit or non-profit.
- (6) Commercial picnic groves, campgrounds, or fishing lakes, including concessions.
- (7) Health and athletic clubs, tanning salons, racquet and sports clubs, and commercial swimming pools.
- (8) Limited repair services, such as jewelry, small appliance, and business machine repair shops.

(9) Medical marijuana dispensary facilities, provided the main public entrance and main employee entrance are both located at least 100 feet from the lot lines of property in a residentially zoned district.

- (10) Museums, libraries, community buildings.
- (11) Nurseries, garden shops, and greenhouses.
- (12) Parking lots servicing adjacent uses only.
- (13) Personal service establishments such as barber shops, beauty parlors, shoe repair, tailor shops, dance, music and drama schools, dry cleaning pick-up station, and self-service laundry.
- (14) Restaurants, bakeries, coffee shops, cafes, delicatessen, ice cream parlors, and catering services. Food service establishments may serve alcoholic beverages as an incidental and accessory use only.
- (15) Retail businesses, such as food and grocery stores, drugstores, apparel shops, variety stores, hardware stores, antique shops, florists, or book shops.

(d) *Conditionally permitted uses.* The following uses may be conditionally allowed provided they meet the provisions of and a conditional use permit is issued in accordance with Section 31-070:

- (1) All conditionally permitted uses in C-O district which are not otherwise permitted in this district.

- (2) Bars, brew pubs, and other drinking establishments where the primary use is serving alcoholic beverages.
 - (3) Billiard halls, arcades, and bowling alleys.
 - (4) Gun clubs, skeet shoots or target ranges, provided no portion of such use shall be closer than 200 feet to a dwelling or public street.
 - (5) Hotels and motels.
 - (6) **Medical marijuana dispensary facilities where either the main public entrance or main employee entrance is located 100 feet or less from the lot lines of property in a residentially zoned district.**
 - (7) Service stations and commercial garages, subject to the performance standards.
 - (8) Theaters (excluding drive-ins).
- (e) *Performance standards.* The following standards shall not be exceeded by any use in this district.
- (1) No wholesale sales shall be conducted.
 - (2) Merchandise or equipment which is displayed outside of a building shall be for temporary sales or special events only not to exceed 14 calendar days once every quarter of a calendar year, shall be kept off the public sidewalk or street right-of-way, shall not reduce the capacity of a parking lot below that required by this ordinance and shall not occupy an area greater than 20% of the ground floor area of the building.
 - (3) No merchandise or equipment shall be stored outside of a building during non-business hours except licensed vehicles in working condition and used for business purposes which are limited to a maximum of two vehicles neither of which has:
 - a. An overall length of greater than 22 feet; and/or
 - b. A wheel base greater than 14.5 feet; and/or
 - c. An overall height greater than nine feet.
 - (4) No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or injurious to humans or property shall be produced.
 - (5) Parking lot lighting shall be shielded or directed so it produces no off-site glare.
 - (6) Prior to issuance of permits for vehicle fueling or service stations, a site plan shall be provided by the petitioner, specifying design elements that assure that the intended use is aesthetically and functionally compatible with adjacent residential uses. The site plan must be approved by the Commission and must include the following information and/or comply with the following standards:

- a. Not more than three hoses installed and not within 100 feet of any building used in whole or part for residential purposes, or from a hospital, school, church, theater or of any like building used regularly as a place of assembly, nor shall a permit be granted for any building as described above on adjacent property closer than the prescribed distance.
 - b. Pumps are to be at least 50 feet from any parking area and to be in a protected location, at least 50 feet from points of entrance and exit from the street.
 - c. No more than two lights, not to exceed 400 watts, directed at the pumps and toward the ground.
 - d. Drive-through ability for fuel transports so as to minimize maneuvering and backing of fuel transport vehicles onto public streets.
 - e. Not more than two signs and not exceeding two square feet in area per sign. Located on the pumps or on separate standards.
- (7) The following standards shall apply to all drive-through or drive-up services:
- a. Sites which are currently deficient in parking shall not reduce the existing parking ratios due to the introduction of a drive-through facility;
 - b. All uses providing drive-through or drive-up services shall accommodate a minimum of eight vehicle stacking spaces per lane. This requirement may be modified by the planning commission should the applicant provide substantial proof, in the form of a comprehensive study, demonstrating the requirement should be less than eight stacking spaces;
 - c. Stacking lanes shall not disrupt access to required parking spaces, and shall function independently of parking aisles;
 - d. If stacking or overflow stacking extends beyond the property line into an adjoining parcel, the applicant shall provide written evidence indicating the consent of the affected property owner;
 - e. The required vehicle stacking spaces per lane shall equal a minimum of 20 feet in length for each space; and
 - f. Noise from drive-through speakers shall not be audible from adjacent residentially used or zoned properties.
- (f) *Height and area regulations.* In District C-1 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements of District R-4: (For exceptions see Section 31-055)
- (1) *Height.* Buildings or structures shall not exceed 45 feet and three stories in height.
- (2) *Front yards.* The minimum front yard area shall be measured from the centerline of the fronting street to the front of the structure as follows, and in no case shall the front yard setback be less than 30 feet:

Local street	55 ft.
Collector street	60 ft.
Arterial	72 ft.
Parkway or boulevard (not designated as collector or arterial)	105 ft.

Expressway or Freeway 180 ft.

- (3) *Side yards.* No side yards are required for buildings in this district, unless the side of a lot abuts a lot on which there is a dwelling, in which event there shall be a side yard of not less than five feet on the side next to the lot on which there is a dwelling. On a corner lot, the street side yard shall be measured from the centerline of the adjoining street as follows, but in no case shall the side yard setback be less than five feet:

Local street	30 ft.
Collector street	35 ft.
Arterial	47 ft.
Parkway or boulevard (not designated as collector or arterial)	80 ft.
Expressway or Freeway	155 ft.

- (4) *Rear yards.* No rear yard is required, except that when a rear lot line abuts a lot on which there is a dwelling, a rear yard of not less than ten feet shall be provided.
- (5) *Lot area per unit.* Same as District R-4.
- (6) *Lot width.* No minimum width.
- (7) *Parking regulations.* See Section 31-053, Off-street parking and loading.

SECTION 4. That the City Council hereby supports an amendment to Chapter 31, Article I, Division 2, of the Code of Ordinances of the City of St. Joseph, Missouri, repealing Section 31-034 "M-1 light manufacturing district" and enacting in lieu thereof a new Section 31-034 to be numbered, entitled and read as follows:

Sec. 31-034. M-1 light manufacturing district.

- (a) *Purpose.* The M-1 light manufacturing district is intended for business uses conducting light manufacturing, assembling and fabrication, warehousing, wholesaling and service operations which conduct activities which do not have the impacts of heavy manufacturing or industrial uses. This district is also intended to serve as a transition between more intense industrial development and commercial, office or multi-family residential development.
- (b) *Use regulations.* In District M-1 no buildings, structure, land or premises shall be used; and no building shall be hereafter erected, constructed, reconstructed, moved or altered, other than in conformance with the provisions of this section.
- (c) *Permitted uses.* The following uses shall be permitted in M-1, light manufacturing districts:
- (1) Accessory uses, as provided in Section 31-050.
 - (2) Administrative, business, finance and professional offices.

- (3) Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
- (4) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, (excluding the storage of hazardous materials in which the use is classified as a High-Hazard Group H occupancy as determined by the International Building Code), goods, products or food products and business and sales offices accessory thereto.
- (5) Athletic clubs, fitness centers and indoor sports facilities.
- (6) Auction sales, flea markets and swap meets.
- (7) Awning and canvas sales and rental.
- (8) Bakeries, retail or wholesale.
- (9) Bars, brew pubs and other drinking establishments.
- (10) Building material supply stores.
- (11) Bus terminals or bus barns.
- (12) Cemeteries.
- (13) Day care centers provided an approved safety evacuation plan is made available to the city and displayed appropriately in all classrooms.
- (14) Funeral homes, mortuaries and crematoriums.
- (15) Governmental buildings and uses.
- (16) Heating and plumbing sales and service.
- (17) Heavy machinery and equipment sales, rental and service.
- (18) **Medical marijuana cultivation facilities, provided the main public entrance and main employee entrance are both located at least 100 feet from the lot lines of property in a residentially zoned district.**
- (19) **Medical marijuana-infused products manufacturing facilities, provided the main public entrance and main employee entrance are both located at least 100 feet from the lot lines of property in a residentially zoned district.**
- (20) **Medical marijuana testing products manufacturing facilities, provided the main public entrance and main employee entrance are both located at least 100 feet from the lot lines of property in a residentially zoned district.**

- (21) Office/retail/warehouse combinations, provided not more than 25% of the gross building floor area shall be used for retail activities.
- (22) Parking lots and parking garages for permitted and conditionally [permitted] uses in all other zones.
- (23) Pest control services.
- (24) Police and fire stations.
- (25) Public and private parks, playgrounds, golf courses, including miniature golf courses and driving ranges, athletic fields, drive-in theaters, archery and gun clubs, go-cart tracks and other outdoor entertainment facilities.
- (26) Public service and public utility uses, as follows:
 - a. Telecommunication towers, less than 100 feet in height, and related facilities; and
 - b. Water reservoirs, water standpipes and elevated and ground-level water storage tanks.
- (27) Recording studios.
- (28) Recycling centers, provided they are screened from all residential districts and public right-of-ways, and all materials are either stored in an enclosed container or building.
- (29) Restaurants, excluding drive-through restaurants, bakeries, coffee shops, cafes, delicatessens and catering services.
- (30) Retail sales of products customarily produced by the principal use provided that the gross amount of floor area devoted to sales and display does not exceed 25% of the gross floor area of the structure.
- (31) Schools, industrial and trade.
- (32) Self-service storage facilities.
- (33) Service station and commercial garages including vehicle repair, vehicle body shop and car washes.
- (34) Storage of any manufactured materials or products outside an enclosed structure provided all outside storage is screened from any public right-of-way.
- (35) Storage garages.
- (36) Swimming pool sales and display.
- (37) Taxidermists.
- (38) Television and radio studios, and associated broadcasting towers and antennae

not exceeding 100 feet in height.

- (39) Temporary uses, provided written permission is given by the director of planning and community development or designated representative, the use does not exceed four months, and the temporary use is directly associated with the primary use.
- (40) Veterinary clinics, animal hospitals and kennels.
- (d) *Conditionally permitted uses.* The following uses may be conditionally allowed provided they meet the provisions of and a conditional use permit is issued in accordance with Section 31-070.
 - (1) Correctional institutions.
 - (2) Junk yards, salvage yards and vehicle storage lots, provided they are completely screened from all public right-of-ways and adjoining properties, and shall be located at least 300 feet from any residential properties.
 - (3) **Medical marijuana cultivation facilities where either the main public entrance or main employee entrance is located 100 feet or less from the lot lines of property in a residentially zoned district.**
 - (4) **Medical marijuana-infused products manufacturing facilities where either the main public entrance or main employee entrance is located 100 feet or less from the lot lines of property in a residentially zoned district.**
 - (5) Motor freight terminals.
 - (6) Radio and television broadcasting towers and antennae exceeding 100 feet in height.
 - (7) Telecommunications towers and facilities as provided for in Article V of this chapter.
 - (8) Train depots.
 - (9) Water or land-based gaming or gambling casino operations as defined by referendum legislation House Bill No. 149, as amended, enacted by a vote of the people on November 3, 1992.
- (e) *Performance Standards.* No use shall be permitted or so operated as to produce or emit the following:
 - (1) Dust, fly ash, radiation, gases, heat, glare or other effects which are injurious to humans or damaging to property at the property line.
 - (2) Outdoor storage shall be enclosed on all sides by a sight obscuring and protective fence or wall not less than eight feet high, such fence to be chain link, wood, painted metal or masonry, or any combination of the above. Such fence shall

comply with the front yard requirements of District M-1.

- (3) Parking lot lighting shall be shielded or directed so that no off-site glare is produced.
- (4) Smoke or particulate matter of a number two or darker on the Ringelmann Chart except: For a period or periods aggregating four minutes in any 30 minutes when number two, but not darker is allowed; and except for a period or periods aggregating three minutes in any 15 minutes of number three, but not darker when building a new fire or when breakdown of equipment occurs.
- (5) Storage or parking of equipment or material which will support harmful bacteria, rodents or other disease carrying media shall be permitted only after approval by the council after report by the city health department.
- (6) Vibration or concussion perceptible without instruments at the property line.
- (7) The following standards shall apply to all drive-through or drive-up services:
 - a. Sites which are currently deficient in parking shall not reduce the existing parking ratios due to the introduction of a drive-through facility;
 - b. All uses providing drive-through or drive-up services shall accommodate a minimum of eight vehicle stacking spaces per lane. This requirement may be modified by the planning commission should the applicant provide substantial proof, in the form of a comprehensive study, demonstrating the requirement should be less than eight stacking spaces;
 - c. Stacking lanes shall not disrupt access to required parking spaces, and shall function independently of parking aisles;
 - d. If stacking or overflow stacking extends beyond the property line into an adjoining parcel, the applicant shall provide written evidence indicating the consent of the affected property owner;
 - e. The required vehicle stacking spaces per lane shall equal a minimum of 20 feet in length for each space; and
 - f. Noise from drive-through speakers shall not be audible from adjacent residentially used or zoned properties.

(f) *Height and Area Regulations.*


- (1) *Height.* No maximum height.
- (2) *Front yard.* The minimum front yard area shall be measured from the centerline of the fronting street as follows, but in no case shall the front yard setback be less than 30 feet:

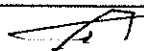
Local street	55 ft.
Collector street	60 ft.
Arterial	72 ft.
Parkway or boulevard (not designated as collector or arterial)	105 ft.
Expressway or Freeway	180 ft.

- (3) *Side yard.* A side yard is not required.
- (4) *Rear yard.* A rear yard is not required.
- (5) *Lot width.* No minimum width.
- (6) *Parking and loading regulations.* (See Section 31-053, Off-street parking and loading).

SECTION 5. That this Ordinance shall be in full force and effect from and after the date of passage.

Approved as to form:



 City Attorney

Passed _____, 20____

Attest: _____ 21 _____

City Clerk

Mayor

Date: March 28, 2019
Type of Ordinance: General Ordinance

CITY CLERK

2019 APR -1 PM 3: 22

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Planning and Community Development Department

PURPOSE: Authorizing an amendment to Sections 31-010 "Definitions," 31-029 "C-1 Neighborhood Shopping District" and 31-034 "M-1 Light Manufacturing District" and enacting a new Section 31-012 "Medical Marijuana Facilities," all in Chapter 31 "Zoning," of the Code of Ordinances to provide zoning regulations for various marijuana uses, production, formulation and dispensing throughout the city.

REMARKS: The proposed amendments address the extent to which the cultivation, distribution, and use of medical marijuana will be regulated. City staff members have gathered information and present the following regulations with the goal of passing regulations that will become effective at approximately the same time state (Department of Health and Senior Services) regulations become effective.

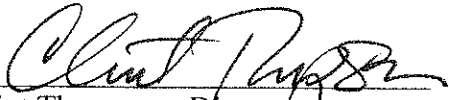
These proposed regulations have been developed based upon feedback. They propose to allow dispensaries in C-1 "Neighborhood Shopping Districts" and to allow cultivation, manufacturing, and testing facilities in M-1 "Light Manufacturing Districts." These regulations place dispensaries in the same districts in which traditional pharmacies are permitted. They also place cultivation, manufacturing, and testing facilities in districts that allow customary manufacturing where dangerous materials are not used in the manufacturing processes.

The following additional land use restrictions were reviewed by the Planning Commission at the March 28, 2019 meeting:

- Facilities within 100 feet of a residentially zoned district will require a conditional use permit.
- Facilities must be at least 300 feet from elementary and secondary schools, child day-care centers that are licensed by the State of Missouri, and churches.
- Facilities must be at least 500 feet from Adult Entertainment Businesses (as defined by Chapter 8 of the Code)
- Facilities must be at least 500 feet from other medical marijuana facilities with a like license, unless medical marijuana sales represent less than 5% of the dollar volume of business in a state or federally licensed pharmacy or when the facilities have the same ownership.

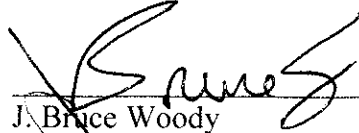
The Planning Commission reviewed this request at its March 28, 2019 meeting and recommends **APPROVAL** for the code amendment by vote of **5-2**. The Planning and Community Development Department concurs with this recommendation for **APPROVAL**.

Submitted by:



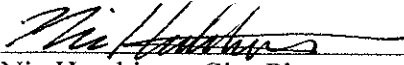
Clint Thompson, Director
Planning and Community Development

Reviewed by:



J. Bruce Woody
City Manager

Prepared by:



Nic Hutchison, City Planner

CITY CLERK
2019 APR -1 PM 3:22