

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE  
ZONING CODE OF THE CITY OF TWIN OAKS PERTAINING TO  
MARIJUANA USES AS REQUIRED BY ARTICLE XIV OF THE  
MISSOURI CONSTITUTION, AS AMENDED**

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" (Article XIV, Sections 1 and 2, as amended, collectively referred to as "Article XIV"); and

WHEREAS, despite Article XIV, 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 Twin Oaks (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 Article XIV 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, Article XIV allows local governments to, "enact ordinances or regulations not in conflict" with Article XIV, or with regulations enacted pursuant to Article XIV 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 principles of proper land use planning require the City to regulate marijuana businesses as with all businesses and as envisioned by Article XIV; and

WHEREAS, the existing Zoning Code and regulations of the City do not provide for the location and regulation of non-medical marijuana businesses; and

WHEREAS, the City desires to amend its regulations for medical marijuana land uses to comply with Article XIV and establish reasonable regulations for the zoning of non-medical (euphemistically, “adult use”) marijuana land uses in accordance with Article XIV 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 non-medical 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 Article XIV 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 Article XIV 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 ALDERMEN OF THE CITY OF TWIN OAKS AS FOLLOWS:**

**Section 1:** The recitals contained in the “whereas” clauses above are hereby specifically incorporated herein by reference.

**Section 2:** Section 400.080 “Definitions” of the Zoning Regulations of the City of Twin Oaks is hereby amended to add or amend the following definitions leaving all other provisions of Section 400.080 in full effect and unaltered. Any existing definitions amended by this Section shall have the added words underlined and the repealed words ~~struck-through~~. Any definitions completely struck through shall be repealed in their entirety.

**MARIJUANA-RELATED DEFINITIONS:** In the context of medical or adult use marijuana land uses, the following definitions shall be applicable:

**Administer Medical Marijuana:** The direct application of 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, or oils, and other Marijuana-Infused Products;
3. Application of ointments or balms;
4. Transdermal patches and suppositories;
5. Consuming marijuana-infused food products; or
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.

**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 non-Medical 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.

**Department:** The Department of Health and Senior Services of the State of Missouri.

**Dispensary Facility: A Medical Marijuana Dispensary Facility, a Comprehensive Marijuana Dispensary Facility, or a Microbusiness Dispensary Facility.**

**Elementary School:** A public, private, religious or parochial school giving instruction in a grade or grades not lower than pre-school nor higher than the eighth grade, including any property owned by the 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.

**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 or a Marijuana Facility.

**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 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 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 as defined by Missouri statute, Section 195.010 RSMo., 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 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 and are intended for use or consumption other than by smoking, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, ointments, tinctures, 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 Marijuana Use:** A Medical Marijuana Use shall be defined as any of the following herein defined entities:

1. Medical Marijuana Cultivation Facility
2. Medical Marijuana Dispensary Facility
3. Medical Marijuana-Infused Products Manufacturing Facility
4. Medical Marijuana Testing Facility
5. Medical Marijuana Transportation Facility
6. Any other entity currently or hereafter included in and regulated by Article XIV, Section 1 of the Missouri Constitution

**Medical Marijuana Cultivation:** As related to activity authorized pursuant to Article XIV, Section 1 of the Missouri Constitution and all rules and regulations issued by the Missouri Department of Health and Senior Services, the process by which a person, business or legal entity promotes the germination and growth of a seed to a mature Marijuana plant.

**Medical Marijuana Cultivation Facility:** A facility licensed by the State of Missouri 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, cultivate, process, store, transport and sell Marijuana to a Medical Marijuana Dispensary Facility, Medical

~~Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Transportation Facility.~~

**Medical Marijuana Cultivation Identification Card:** An additional, separate, or enhanced Identification Card issued by the State of Missouri allowing the holder to cultivate Medical Marijuana in amounts and in secure manners as authorized by the Department, only to the extent authorized by applicable law.

**Medical Marijuana Dispensary:** A ~~facility~~ licensed by the State of Missouri 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 to acquire, store, sell, transport, and deliver Marijuana, Marijuana-Infused Products, and drug paraphernalia used to Administer Marijuana as provided by the State of Missouri solely pursuant to the terms of Article XIV, Section 1 of the Missouri Constitution to a Qualifying Patient, a Primary Caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, Medical Marijuana Transportation Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

**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, Medical Marijuana Transportation Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility where Marijuana-Infused Products and Prerolls are manufactured only for Medical Use.

**Medical Marijuana Medical Use:** The production, possession, delivery, distribution, transportation, or administration of Marijuana or a Marijuana-Infused Product, or ~~Marijuana Accessories~~ drug paraphernalia 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.

**Medical Marijuana Testing Facility:** A facility certified by the State of Missouri to acquire, test, certify, and transport Marijuana.

**Medical Marijuana Transportation Facility:** A facility certified by the State of Missouri to store and transport Marijuana.

**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.

**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.

**Qualifying Patient:** An individual Missouri resident diagnosed with at least one qualifying medical condition as defined in Missouri State law and possessing a Department issued Qualifying Patient or Qualifying Patient Cultivation Identification Card.

**Secondary School:** A public, private, religious, or parochial school giving instruction in a grade or grades not lower than the sixth nor higher than the twelfth grade, including any property owned by the school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

**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.

**Section 3:** Article VII “C” Commercial District Regulations” of the Zoning Regulations of the City of Twin Oaks is hereby amended to repeal Section 400.295, entitled “Spacing Requirement for Medical Marijuana Uses” in its entirety and to replace it with a new Section 400.295 entitled “**Licensing and Spacing Requirement for Marijuana Facilities**” to read as follows:

#### **Section 400.295 Licensing and Spacing Requirement for Marijuana Facilities**

- A. *State License Required.* All Marijuana Facilities must have the appropriate license and any other required authorization to operate the Marijuana Facility from the Missouri Department of Health and Senior Services to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final approval 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. All Marijuana Uses shall display their license issued by the State of Missouri and any licenses issued by the City in a prominent place in plain view near the front entrance of the facility as required by State regulations.

**B. Spacing.**

1. No Marijuana Facility, whether in the “C” District or a “PD-RxM” District, shall be located within one hundred (100) feet of any then-existing Elementary School, Secondary School, Child Day-Care Facility, or Church. As used in the previous sentence, “then-existing” shall mean any Elementary School, Secondary School, Child 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 Facility applies for a zoning permit.
2. No Dispensary Facility shall be located within 1,000 feet of any other Dispensary Facility.
3. The spacing requirements between two Marijuana Facilities or between a Marijuana Facility and an Elementary School, Secondary School, Child Day-Care Facility, or Church contained herein shall be measured as follows:
  - a. In the case of a freestanding Marijuana Facility, the distance between the proposed Marijuana Facility and either (1) an existing Marijuana Facility or (2) an Elementary School, Secondary School, Child Day-Care Facility, or Church shall be measured from the external wall of the proposed Marijuana Facility structure closest in proximity to the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church to the closest point of the Property Line of the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church. If the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, 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 existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church closest in proximity to the Proposed Marijuana Facility.
  - b. In the case of a Proposed Marijuana Facility that is part of a larger structure, such as an office building or strip mall, the distance between the Proposed Marijuana Facility and the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church shall be measured from the Property Line of the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church to the proposed Marijuana Facility’s entrance or exit closest in proximity to the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church. If the existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, 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 existing Marijuana Facility, Elementary School, Secondary School, Child Day-Care Facility, or Church closest in proximity to the proposed Marijuana Facility.
  - c. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

**Section 4:** Section 400.420 "Conditional Uses" of Article XI "Conditional Uses" of the Zoning Regulations of the City of Twin Oaks is hereby amended to amend Subsection 4 to the list of "Conditional Uses" contained in Subsection 400.420(A) and to add additional conditions for specific Marijuana Facilities, to read as follows:

**Section 400.420. Conditional Uses.**

**A. Generally.**

1. The purpose of conditional use permits is to provide the City with a procedure for determining the appropriateness of a proposed use not authorized as a matter of right by the regulations of the district in which the use is proposed to be located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities, and conditions of the site and of surrounding areas. Based upon this determination, the City may decide to approve, reject, or approve conditionally the use for which the conditional use permit is sought.
2. The Board of Aldermen may authorize by ordinance, under prescribed conditions, the construction or undertaking of any conditional use that is expressly permitted as a conditional use in a particular zoning district; however, the City reserves full authority to deny any request for a conditional use permit, to impose conditions on the use, or to revoke approval at any time, upon a finding that the permitted conditional use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.
3. An application for a conditional use permit may be filed by the owner of the subject property or any person with a financial, contractual, or proprietary interest in the subject property who also submits the owner's consent to the application.

**B. Standards. The Board of Aldermen shall not approve a conditional use unless it finds that the application and evidence presented clearly indicate that the proposed conditional use:**

1. Complies with all other applicable environmental performance standards, design and development standards of Section 405.120, the criteria in Section 500.140, and the standards of this Land Use Code (Title IV) regarding yard and setback, parking and loading requirements, screening and buffering, refuse, storage and service areas, and signs.
2. Will contribute to and promote the community welfare and convenience at the specific location.
3. Will not cause substantial injury to the value of neighboring property.
4. Meets the applicable provisions of the City's Comprehensive Plan and complies with other applicable zoning district regulations and provisions of this Chapter, unless good cause exists for deviation there from.

5. Will provide, if applicable, erosion control and on-site stormwater detention in accordance with the standards contained in this Chapter.
6. Will be compatible with the surrounding area and thus will not impose an excessive burden or have a substantial negative impact on surrounding or adjacent users or on community facilities or services.

In approving a conditional use permit application, the Board of Aldermen may impose conditions and restrictions as necessary to assure that the standards of this Section are complied with, and the general intent of this Chapter is carried out. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and restrictions imposed by the Board of Aldermen. Any future enlargement or alteration in the use of the structure or site must be approved by the Board of Aldermen upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the conditional use permit before a building permit for the enlargement or alteration may be issued. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Chapter punishable as provided in Section 405.510 of this Chapter.

Nothing herein shall be construed to require the City to issue a conditional use permit; the Board of Aldermen reserves full authority to deny any request for a conditional use permit.

C. Conditional Uses. The Board of Aldermen may, after public hearing and ~~making required findings~~recommendation of the Planning and Zoning Commission, by conditional use permit authorize the location of any of the following buildings or uses in the zoning districts specified in this Section:

1. Any public building not owned or operated by the City of Twin Oaks located in any zoning district.
2. Community building or recreation field not owned or operated by the City of Twin Oaks located in any zoning district.
3. Nurseries and greenhouses in any zoning district; provided that all principal buildings and accessory buildings shall not be located less than one hundred (100) feet from a lot line.
4. Comprehensive Marijuana Dispensary Facility and Medical Marijuana Dispensaries~~Marijuana Businesses~~, where the operation meets the spacing requirements of Section 400.295 and meets the standards contained in Section 400.420(B-G) applicable to the Marijuana Business proposed.
5. Uses listed as "Conditional Uses" in the underlying zoning district.

DB. Specific Mandatory Conditions for Comprehensive Marijuana Dispensary Facility and Medical Marijuana Dispensaries (hereinafter "Dispensary" or "Dispensaries").

Any grant of a conditional use permit under this section for a ~~Medical Marijuana~~ Dispensary shall include the following conditions for approval:

1. *State License Required.* All ~~Medical Marijuana~~ Dispensaries must have the appropriate license and any other required authorization to operate the ~~Medical Marijuana~~ Dispensary from the Missouri Department of Health and Senior Services to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final approval 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.
2. *Outdoor Operations or Storage.* No outdoor operations or storage of materials, products, or equipment shall be allowed.
3. *Odor Control and Nuisance.* Every ~~Medical Marijuana~~ Dispensary 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 Chapter 215, Nuisances, of the City Code.
4. *Onsite Usage Prohibited.* No Marijuana may be smoked, ingested, or otherwise consumed or Administered on the premises of any ~~Medical Marijuana~~ Dispensary Facility.
5. *Hours of Operation.* All sales or distribution of Medical Marijuana and any other products sold to the public through a ~~Medical Marijuana~~ Dispensary shall take place between the hours of 9:00 AM and 9:00 PM Monday-Friday, from 9:00 AM and 6:00 PM Saturday, and from 10:00 AM and 6:00 PM Sunday.
6. *Security.* ~~Medical Marijuana~~ Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the ~~Medical Marijuana~~ Dispensary may be present in such facility at any time closed to the public. ~~Medical Marijuana~~ Dispensaries shall have and maintain security systems, equipment, and procedures at least as stringent as those which are required by State regulations.
7. *Display of Licenses Required.* The ~~Medical Marijuana~~ Dispensary Facility License issued by the Department of Missouri and any and all licenses issued by the City of Twin Oaks shall be displayed in a prominent place in plain view near the front entrance of the facility as required by State regulations.
8. *Development Plan or Limited Development Plan Required.* No ~~Medical Marijuana~~ Dispensary shall be allowed unless the applicant submits and has approved a Development Plan or Limited Development Plan pursuant to Section 400.340 as determined by the nature of the application and the terms of Section 400.340.
9. *Additional Requirements.* ~~All Medical Marijuana~~ Dispensary Facilities shall comply with all generally applicable provisions of the Zoning Code of the City of

Twin Oaks, all provisions of Article XIV, Section 1 of the Missouri Constitution as well as any and all rules and regulations promulgated by the Department of Health and Senior Services for the State of Missouri regulating Medical Marijuana including but not limited to security requirements, lighting, parking, record maintenance and retention and patient verification requirements.

10. *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.*
11. *Signage. Signage shall be in accordance with Chapter 410. To the extent allowed by law, 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, or directional signage.*
12. *Drive Thru. Dispensary Facilities must follow all requirements found in Section 400.340.B.1.e and all Motor Vehicle Oriented Businesses and obtain additional approval to utilize a drive-through. As part of the Conditional Use process, the Board of Aldermen may require additional queuing or other conditions related to the drive-through to ensure the public safety is protected and the surrounding properties are not negatively affected.*

**Section 5:** Article IX "PD" Planned Development District" of the Zoning Regulations of the City of Twin Oaks is hereby amended to revise Section 400.380 "District Regulations" by amending Subsection (B)(4)(a)(4) "Planned Development — RxM" as a type of planned zoning district, with the underlined words added and the struck-through words repealed, to read as follows:

(4) Planned Development—Light Manufacturing (PD-RxM): Planned developments involving Light Manufacturing uses related to Medical Marijuana, including Marijuana production, cultivations, testing, or transportation. The following uses Uses are permitted as planned uses in a PD-RxM District: are Medical Comprehensive Marijuana Dispensary Facility, Marijuana Cultivation Facility, Comprehensive Marijuana Cultivation Facility, Medical Marijuana-Infused Products Manufacturing, Microbusiness Wholesale Facility, Comprehensive Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility, Marijuana Research Facility, or Medical Marijuana Transportationonly.

**Section 6:** Article IX "PD" Planned Development District" of the Zoning Regulations of the City of Twin Oaks is hereby amended to revise Section 400.385 "PD-RxM District Regulations," with the underlined words added and the struck-through words repealed, to read as follows:

#### **Section 400.385 PD-RxM District Regulations**

- A. *Intent.* Because the City's relatively small size and lack of appropriate land for the use, the City's Zoning Regulations, Comprehensive Plan, and land use map do not identify light manufacturing land uses as permitted. Additionally, while the City has not

identified any specific areas in which manufacturing uses are permitted as of right, because the Missouri Constitution was ~~recently~~ 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,” (Article XIV, Section 1.7(10(a))) and “no local government shall prohibit marijuana facilities or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction” (Article XIV, Section 2.5(5)), the City is ~~creating~~ has created the PD-RxM District. The PD-RxM District is intended to create a process for high quality light industrial/manufacturing developments, are not of density and intensity that will disturb the quiet enjoyment of the residential neighborhoods and retail commercial establishments, will not contribute to traffic congestion on Big Bend Road or Meramec Station Road, and will be of an intensity, location, and nature so as to be compatible with its surroundings and the City’s comprehensive plan.

B. *Planned Uses.* Any proposed PD-RxM District must follow the Site Development Plan Review procedure set forth in Section 400.340 and all requirements of Section 400.380, and shall only be permitted for one of the following “Non-retail ~~Medical~~ Marijuana Business” uses:

1. Medical Marijuana Cultivation Facilities;
2. Comprehensive Marijuana Cultivation Facilities;
3. Medical Marijuana-Infused Products Manufacturing Facilities;
4. Comprehensive Marijuana-Infused Products Manufacturing Facilities;
5. ~~Medical~~ Marijuana Testing Facilities; or
6. ~~Medical~~ Marijuana Transportation Facilities; or
7. Microbusiness Wholesale Facilities.

C. *Development Standards.* Any use in this District shall meet the following Standards:

1. *State License Required.* All Non-retail ~~Medical~~ Marijuana ~~Facilities~~ Businesses (as defined in Section 400.385.B, above) must have the appropriate license and any other required authorization to operate the Non-retail ~~Medical~~ Marijuana ~~Facility~~ Business from the Missouri Department of Health and Senior Services to operate in the City. Applicant may seek zoning approval prior to being granted a State license, but no final approval 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.

2. *Outdoor Operations or Storage.* All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a fence which has been approved through the Development Plan process in Section 400.340.
3. *Onsite Usage Prohibited.* No Marijuana may be smoked, ingested, or otherwise consumed or Administered on the premises of any Non-retail ~~Medical Marijuana Facility~~ Business except, in a ~~Medical~~ Marijuana Testing Facility when being Administered for testing purposes authorized by the ~~State of Missouri~~ Department.
4. *Odor Control and Nuisance.* All Non-retail ~~Medical Marijuana Facilities~~ Businesses 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 Chapter 215, Nuisances, of the City Code.
5. *Hours of Operation.* All Non-retail ~~Medical Marijuana Facilities~~ Businesses shall be closed to the public between the hours of 10:00PM and 8:00AM. No persons not employed by the business shall be on the premises at any time without being approved entry, logged in by building security personnel and obtaining and displaying a visitor pass.
6. *Security.* All Non-retail ~~Medical Marijuana Facilities~~ Businesses shall be secured and closed to the public between the hours listed in this subsection and no persons not employed by the Non-retail Medical Marijuana Facility may be present in such facility at any time closed to the public. All Non-retail ~~Medical Marijuana Facilities~~ Businesses shall have and maintain security systems, equipment, and procedures at least as stringent as those which are required by State regulations.
7. *Display of Licenses Required.* All ~~Medical Non-retail~~ Marijuana Businesses uses shall display their license issued by the ~~State of Missouri~~ Department and any and all licenses issued by the City in a prominent place in plain view near the front entrance of the facility as required by State regulations.
8. *Accreditation, Standards, and Procedures — Testing Facilities.* Every ~~Medical~~ Marijuana Testing 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 testing ~~Medical~~ Marijuana in all forms which are at least as stringent as those required by State regulations.
9. *Additional Requirements.* All Non-retail ~~Medical Marijuana Facilities~~ Businesses shall comply with all generally applicable provisions of the

Zoning Code of the City of Twin Oaks, all provisions of Article XIV, Section 1 of the Missouri Constitution as well as any and all rules and regulations promulgated by the Department of Health and Senior Services for the State of Missouri regulating Medical and Adult-Use Marijuana including but not limited to security requirements, lighting, parking, record maintenance and retention, and patient verification requirements.

10. *Buffer Strip.* A buffer strip of not less than one hundred (100) feet in width shall be provided along any perimeter of a commercial development which adjoins an "A" Single-Family Dwelling District, a "B" Single-Family Attached Dwelling District or a "D" Park District (or equivalent District in an adjoining jurisdiction), except where abutting a public street. No drive, walkway, parking space or vehicular travel way shall occupy any portion of the buffer strip; provided that the Board of Aldermen may require that the buffer strip be supplemented with additional plantings, landscaping and fencing.
11. *Parking and loading.* Off-street parking and loading standards must meet or exceed St. Louis County's requirements for these uses.
12. *Warehousing.* No building or premises occupied and used for any of the permitted principal uses identified in Section 400.280 of this Chapter shall have more than forty percent (40%) of its floor area devoted to storage or uses incidental to such permitted principal use nor more than five (5) persons employed at any time in such incidental use.
13. *Height regulations.* A building or structure shall not exceed thirty-five (35) feet in height. Chimneys, roof-top mechanical appurtenances, and other purely ornamental or mechanical accessories shall not be considered for purposes of determining height.
14. *Area regulations.* The minimum area of yards and the minimum lot area shall be as follows:
  - a. Rear yard. No main building or detached garage shall be erected or structurally altered except that it shall be at least fifty (50) feet from the rear of the lot line. An accessory building hereafter erected or structurally altered shall be not less than thirty (30) feet from the rear lot line.
  - b. Side yard. No building or structure shall be erected or altered within thirty (30) feet of the side lot line. Where the side yard is along a street, no building or structure shall be erected or altered within fifty (50) feet of the side lot line.
  - c. Front yard. There shall be a distance of not less than sixty-five (65) feet from the front line of the building to the centerline of any highway or other road passing along the "PD-RxM" District.

- d. Frontage and Lot Area. Any lot within the "PD-RxM" District shall have at least three hundred (300) feet frontage on Big Bend or Meramec Station Road, consist of at least 1.5 acres, and a minimum lot width of three hundred (300) feet.
- e. Maximum impervious coverage. No building footprint shall exceed more than fifty percent (50%) of the lot area nor shall the total of impervious surface for any lot exceed seventy percent (70%) of the lot area.

15. *Minimum Standards.* ~~Section 400.330 shall be used for the minimum standards for site design and building construction, reconstruction or use within a PD-RxM area shall be as set forth in Section 400.330.~~

16. *Screening.* Screening of HVAC units, odor control systems, ventilation systems and solid waste (trash) containers. Heating, ventilating, air conditioning and/or odor control 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.

17. *Additional Requirements.* All Marijuana 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, waste disposal, lighting, parking, and environmental factors.

**Section 7:** Article III "Districts and Boundaries" of the Zoning Regulations of the City of Twin Oaks is hereby amended to repeal Section 400.125 entitled "Accessory Use – All Districts" in its entirety and replace it with a new Section 400.125 entitled "Accessory Use — All Districts," to read as follows:

#### **Section 400.125 Accessory Use Marijuana Cultivation — All Districts**

**A. 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 use property on which the person has a legal principal use, an accessory use of Marijuana Cultivation as permitted by Article XIV of the Missouri Constitution, provided all the following conditions are met:

1. 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.

2. The State-issued Marijuana Cultivation Identification Card must be clearly displayed within the Cultivation Area and in close proximity to the Marijuana plants.
3. The Accessory Use must have an odor control system that is at least as stringent as that which is required by Missouri regulations.
4. 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 of whether the caregiver holds a Cultivation Identification Card on behalf of the Qualified Patient.
5. All Marijuana cultivation must cease immediately upon the expiration, suspension, or revocation of a State-issued Marijuana Cultivation Identification Card.
6. The following additional rules shall apply to Consumer personal Cultivation:
  - a. All Consumer personal Cultivation must take place at a private residence.
  - b. 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.
  - c. 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.
  - d. All cultivated Flowering Plants in the possession of a Consumer shall be clearly labeled with the Consumer's name.
7. The following additional rules shall apply to Qualifying Patient Cultivation:
  - a. 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.
  - b. 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) nonflowering Marijuana plants under fourteen (14) inches tall or more may be cultivated in a Cultivation Area.

- c. 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.
- d. Only one individual in a patient-caregiver relationship may be authorized for Cultivation on behalf of the Qualifying Patient.
- e. All cultivated Flowering Plants in the possession of a Qualifying Patient or Primary Caregiver shall be clearly labeled with the Qualifying Patient's name.

8. The following additional rules shall apply to Primary Caregiver Cultivation:

- a. A Primary Caregiver may cultivate on behalf of more than one (1) Qualifying Patient and may utilize one or more Cultivation Area(s).
- b. 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.
- c. Only one individual in a patient-caregiver relationship may be authorized for Cultivation on behalf of the Qualifying Patient.
- d. All cultivated Flowering Plants in the possession of a Primary Caregiver shall be clearly labeled with the Qualifying Patient's name.
- e. 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.
- f. 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.

B. 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.

**Section 8:** **Severability.** 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 Aldermen 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.

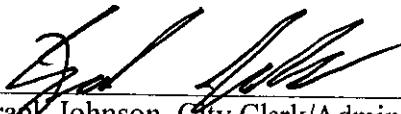
**Section 9.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 17<sup>th</sup> DAY OF MAY 2023.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk/Administrator