



**Project/Issue Name:**      **ORD 23-001.** Public Hearing and Possible Vote to Recommend the Approval of Amendments to Chapter 405 Zoning Regulations Relating to Recreational Marijuana

**Submitted By:**            BUILDS Department

**Presented By:**            Chris Tabor, Principal Planner

**Date:**                      February 13, 2023

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**ISSUE IDENTIFICATION**

Consideration to approve Amendments to Chapter 405 Zoning Regulations, specifically 405.020, 405.150, 405.165, 405.170, and 405.180.

**DISCUSSION AND ANALYSIS**

The City of Republic is requesting Amendments to Chapter 405 Zoning Regulations– specifically to Sections 405.020 Definitions, 405.150 “C-1” Local Commercial District Regulations, 405.165 “C-3” General Commercial District, 405.170 “M-1” Light Industrial District Regulations, and 405.180 “M-2” Heavy Industrial District Regulations.

Following the legalization of medical marijuana by Missouri voters, City Staff presented code amendments, recommended by the Planning and Zoning Commission and adopted by City Council, providing for the sale and use of marijuana for strictly medical purposes. Last November, Missouri voters opted to amend the Article XIV of the Missouri Constitution by adding provisions for recreational marijuana use by members of the general public aged twenty-one years or older. These changes have ramifications for City law by mandating new uses to be reflected in local zoning ordinances.

The amendments serve the purpose of aligning the City of Republic Municipal Code with the changes to Article XIV of the Missouri State Constitution, by assigning zoning districts for these new uses.

The amendments to Chapter 405 reflect two elements of the changes made to Article XIV of the Missouri Constitution. First, they update the existing definitions relating to medical marijuana. Second, they add the new terms relating to recreational marijuana and integrate the associated uses with appropriate zoning districts. All of the definitions put forth utilize the language of Article XIV of the Missouri Constitution.



**EXHIBIT B**

The changes to existing medical marijuana definitions are mostly clarifications of language. Of note, are the following items:

- Definitions are now included for “prerolls”, or marijuana cigarettes, which may be produced and sold at “medical marijuana cultivation facilities” and ‘medical marijuana dispensary facilities.”
- Activities for “medical marijuana cultivation facilities” and ‘medical marijuana dispensary facilities” now include not only marijuana but marijuana seeds and marijuana vegetative cuttings, as well.
- A “medical marijuana dispensary facility” may conduct their business anywhere on the licensed property or to any legally allowable address provided by the patient or primary caregiver.

New elements appearing in the code concern the addition of facilities where marijuana may be cultivated, infused, or dispensed for both medical and recreational purposes. There are two new facility-types being introduced – comprehensive facilities and microbusiness facilities. Comprehensive facilities are further broken down into three sub-types:

1. “Comprehensive Marijuana Cultivation Facility” – These facilities are licensed to grow for wholesale marijuana and to produce prerolls for both medical and recreational purposes.
2. “Comprehensive Marijuana Dispensary Facility” – These facilities are licensed for retail sale of marijuana, marijuana-infused products, and prerolls for both medical and recreational purposes.
3. “Comprehensive Marijuana-Infused Products Manufacturing Facility” – These facilities are licensed to manufacture and wholesale marijuana-infused products such as edibles, concentrates, oils, or other forms of marijuana extract for both medical and recreational purposes.

Microbusiness facilities are a separate category of licensing intended to bring social equity to provisioners of marijuana in Missouri. These licenses are assigned to members of an applicant pool who meet certain criteria related to income, marijuana incarceration, disabilities, education, or who reside in a Census Tract exhibiting hardships of a similar nature. Microbusiness facilities are of two sub-types:

1. “Microbusiness Dispensary Facility” – These facilities are licensed for retail sale of marijuana, marijuana-infused products, and prerolls for both medical and recreational purposes.
2. “Microbusiness Wholesale Facility – These facilities are licensed to cultivate up to 250 flowering marijuana plants at any given time, as well to manufacture and wholesale marijuana and marijuana-infused products such as edibles, concentrates, oils, or other forms of marijuana extract for both medical and recreational purposes.

The aforementioned facility types have been assigned to the zoning districts in accordance with the category of activities in which those facilities engage. This amendment proposes the addition of the following uses to the City’s zoning districts:

- Retail Commercial (C-1)



**EXHIBIT B**

- Comprehensive Marijuana Dispensary Facility
  - Microbusiness Dispensary Facility
- General Commercial District (C-3)
  - Comprehensive Marijuana Dispensary Facility
  - Microbusiness Dispensary Facility
- Light Industrial (M-1)
  - Comprehensive Marijuana-Infused Products Manufacturing Facility
- Heavy Industrial (M-2)
  - Comprehensive Marijuana Cultivation Facility
  - Microbusiness Wholesale Facility

These assignments mirror those previously made for medical marijuana facilities.

**STAFF RECOMMENDATION**

Staff recommends the approval of the referenced Amendment.