



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 17, 2023

Re: UDC Text Amendments – Marijuana Regulations (Case # 54-2023)

Executive Summary

Approval of this request would result in amending sections of Unified Development Code (UDC) to incorporate definitions and modify use-specific standards pertaining to the operation of “comprehensive” marijuana facilities within the City of Columbia. The proposed regulatory revisions have become necessary given the passage of Amendment 3 on November 8, 2022 legalizing the sale of “recreational” marijuana and revisions to the language contained in Article XIV of the Missouri Constitution.

Discussion

On November 8, 2022, the voters of Missouri approved passage of Amendment 3 legalizing the sale of recreational marijuana. As a result, provisions in Article XIV of the State Constitution were amended. To ensure that the City’s regulations remain consistent with the newly passed legislation changes are necessary to several section of the Unified Development Code (UDC) as well as other sections of the City Code. This memo and the attached regulatory standards address only revisions to the UDC.

The Unified Development Code was amended in June 2019 to incorporate definitions and use-specific standards related to the regulation of “medical” marijuana. As a result of the passage of Amendment 3 and revisions to Article XIV, several new categories of marijuana facilities were created. These new facilities are identified as “comprehensive” and “microbusiness”. Addressing these new facility types within the UDC can occur within two distinct phases given the implementation of the newly adopted State legislation. The first phase of revision requires addressing issues created by the creation of “comprehensive” facilities and the second phase will address “microbusiness” facilities.

On December 8, 2022, the Department of Health and Senior Services (DHSS) began accepting applications for the conversion of any licensed “medical” marijuana facility to a comprehensive facility. Pursuant to the provisions of Article XIV, DHSS has 60 days in which to issue such a license or the license is deemed to have been granted. It is important to note that for the first 18 months after the effective date of Amendment 3, the DHSS may only issue a license for a comprehensive marijuana facility to an entity holding the equivalent medical marijuana facility license and only at its existing location.

The newly authorized microbusiness facilities (and any comprehensive facilities authorized after 18 months) will require more significant evaluation on their potential impact to the City; hence, their placement as a “phase two” text change. Amendment 3 gives the DHSS 180 days (June 6, 2023) to make applications for microbusiness facilities available to the public



and 270 days (September 4, 2023) to start accepting applications. Staff will monitor DHSS progress on issuing guidance relating to this facility type and will schedule future Commission work sessions accordingly.

Given these provisions, the attached amendment proposes to address definitions for “comprehensive” facilities, place such facilities in the same zoning districts as current comparable “medical” facilities in the Permitted Use Table, and revise the use-specific standards contained within Section 29-3.3(qq) such that the provisions are made inclusive of both “medical” and “comprehensive” facilities. No expansion of permissible locations, licensure limitations, or other spacing standards are proposed within the regulatory revisions at this time.

The Planning and Zoning Commission considered this request at its January 5, 2023 meeting. Staff presented its report stating that the proposed revisions constituted the first phase of amendments to the UDC relating to Amendment 3 and that revisions would be submitted to address microbusinesses in the near future. There were no public comments offered on the proposed revisions. After limited additional Commission discussion three motions were made to approve the proposed revisions (one for each section of the UDC to be amended) subject to minor technical legal corrections. Each motion was unanimously approved by the Planning Commission by a vote of 8-0.

The Planning and Zoning Commission staff report, proposed UDC revisions, and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years.

Long-Term Impact: No negative impacts are anticipated as “comprehensive” licensure will only be available to existing “medically” licensed facilities. Opportunity for an increased revenue stream (3% sales tax) from recreational sales may be possible if approved by voters as part of ballot initiatives in April 2023.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Resilient Economy, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Economic Development, Tertiary Impact: Not Applicable



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the proposed revisions to Sections 29-1.11(a), 29-3.2, Table 29-3.1, and 29-3.3 (qq) of the UDC to accommodate new definitions, permitted locations, and revised use-specific standards for “comprehensive” marijuana facilities as authorized by the Article XIV of the Missouri Constitution as recommended by the Planning and Zoning Commission.