

PROPOSED UDC AMENDMENT – MEDICAL MARIJUANA

The following Sections of Chapter 29 (Unified Development Code) of the City of Columbia Code of Ordinances are hereby proposed. Proposed text shown as **bold underlined**. Text to be removed shown as ~~strikethrough~~.

Section 29-1.11 (a) – Definitions – General

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Maximum-to-minimum ratio. The highest horizontal illuminance point divided by the lowest horizontal illuminance point or area.

Medical Marijuana Cultivation Facility. A facility licensed by the Department of Health and Senior Services 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.

Medical Marijuana Dispensary Facility. A facility licensed by the Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for by state law and regulations 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.

Medical Marijuana-Infused Products Manufacturing Facility. A facility licensed by the Department of Health and Senior Services 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.

Medical Marijuana Testing Facility. A facility certified by the Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

Mechanical and construction contractors. Construction, landscaping, plumbing, heating, air-conditioning, and electrical construction or repair activities and incidental storage at establishments and on lots other than job sites. This use does not include establishments where the primary activity is retail sale of goods to the general public, but includes related contracting, retail, and wholesale sales and distribution from the premises of materials used in mechanical and construction contract work.

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Section 29-3.2 Permitted Use Table.

Table 29-3.1 shall be amended as shown in Attachment A, attached hereto.

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Section 29-3.3 Use-Specific Standards

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(pp) Accessory and Temporary Use of Land and Buildings: Short-term Rentals

(qq) Primary Use of Land and Buildings: Medical Marijuana Facilities. Pursuant to Article XVI of the Missouri Constitution the following four (4) types of medical marijuana facilities were authorized: cultivation, dispensary, infused product manufacturing, and testing. These facility types are defined within Section 29-1.11 of this Chapter and shall be subject to the following additional standards:

- (1) No facility shall be located within one thousand (1,000) feet of an existing public or private elementary or secondary school, family day-care, or religious institution as those terms are defined in Chapter 29.
- (2) The number of Medical Marijuana Cultivation facilities located within the city limits shall be limited to one per one hundred thousand population, or fraction thereof, as established by the most recent census.
- (3) The number of Medical Marijuana Infused Products Manufacturing facilities located within the city limits shall be limited to one per seventy thousand population, or fraction thereof, as established by the most recent census.
- (4) The number of Medical Marijuana Dispensary facilities located within the city limits shall be limited to one per twenty thousand population, or fraction thereof, as established by the most recent census.
- (5) No single tenant space may be occupied by multiple facility types. Each facility shall only be permitted to operate according to its definition and licensure.
- (6) Medical Marijuana Dispensary Facilities may be located within a multi-tenant retail-commercial building provided such facilities are separated from other tenants by full walls separating each tenant space. When located within the M-DT (Mixed-use Downtown) district, such facilities shall only be permitted within a second story tenant space.
- (7) Hours of operation for a Medical Marijuana Dispensary shall be between the hours of 6:00 am and 10:00 pm; irrespective of what zoning district such facility may be located within.
- (8) All facilities shall be within a fully enclosed building unless otherwise authorized by this Chapter.
- (9) No facility shall be permitted to be located within a mobile structure.
- (10) All facilities shall be designed to visually integrate with the surrounding structures and comply with applicable City Codes. To further preserve the aesthetic integrity of neighborhoods and areas in which facilities may be located there shall be no use of bars or cages on windows to comply with the security requirements within this section.
- (11) Odor emitted from facilities shall not be noxious, cause a public nuisance, be perceptible outside the building, as measured at the property line, or otherwise

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violate the regulations promulgated by the Department of Health and Senior Services.

- (12) Waste generated by facilities shall be disposed of in accordance to requirements promulgated by the Department of Health and Senior Services and other applicable federal, state, and local laws, whichever shall be more restrictive, to prevent exposure to the public or create a nuisance.
- (13) Facility signage shall be subject to the regulations promulgated by the Department of Health and Senior Services and the requirements of Chapter 29 of the Unified Development Code, whichever is more restrictive.
- (14) Prior to the issuance of a business license and certificate of occupancy, all facilities shall have filed and obtained approval of a security plan, operation and management plan, and emergency plan with the City of Columbia. Such plans shall comply with and meet the minimum criteria:

a. Security Plan.

- i. A written Security Plan shall be submitted to the Columbia Police Department demonstrating there is limited undue burden on city public safety services as a result of the proposed business. Following approval, said plan shall be submitted with the business license application and retained on file with the City.
- ii. The Security Plan shall include the details of all security measures for the site and the transportation of medical marijuana and medical marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the property from theft or other criminal activity. The Security Plan must meet the minimum security standards established in the regulations promulgated by the Department of Health and Senior Services and include any additional security measures required by the Columbia Police Department.

b. Operation and Management Plan.

- i. A written Operation and Management Plan shall be submitted to the Building and Site Development Division as part of any building permit application submission. If no building permit is sought, the plan shall be submitted as part of the business license application process. Said plan shall be reviewed and approved by the Columbia Fire Department and Columbia Utilities Division prior to the issuance of a building permit and/or a business license.

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- ii. The Operation and Management Plan shall include, but not be limited to the following elements: Organizational Structure, Location, Property Description, Hours of Operation and Staffing, description of proposed operations, list of any hazardous materials used as part of its operations, distribution practices, employee safety procedures and guidelines, fire mitigation and prevention systems in compliance with the International Fire Code as adopted by the City of Columbia, sanitation requirements, electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, and proposed water system and utility demand.

 - c. Emergency Response Plan. A written Emergency Response Plan shall be approved by the Columbia Fire and Police Departments before issuance of a business license and/or occupancy permit. Such plan shall be created following consultation with the Fire and Police Departments and shall identify emergency plans/contingency plans that would be executed in the event of an on-site emergency arising from the site’s usage as a medical marijuana facility.
- (15) Within 30 days of ceasing facility operations, all plants, medical marijuana-related equipment, signage, and any other facility-related items shall be removed from the building/site within or upon which the facility previously existed.
- (16) It shall be unlawful for any person to operate a facility without a valid license from the Department of Health and Senior Services, a valid business license from the City of Columbia, and in a manner not in conformance with these supplemental standards of other applicable requirement of this Chapter.
- (17) The foregoing use specific standards shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local laws or regulations.

ATTACHMENT A

Sec. 29-3.2. - Permitted use table.

Table 29-3.1: COLUMBIA, MISSOURI, PERMITTED USE TABLE														
P=Permitted use C=Conditional use A=Accessory use CA=Conditional Accessory use T=Temporary use														
Zoning District	Residential				Mixed Use					Special Purpose				Use-Specific Standards, in Section 29-3.3
	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD	
LAND USE CATEGORY														
RESIDENTIAL USES														
Household Living														
Dwelling, One-family Detached	P	P	P	P	P	P						P		
Dwelling, One-family Attached		P	P		P	P								
Dwelling, Two-family		P	P		P	P								
Dwelling, Live-work			C		P	P	P	P						
Dwelling, Multi-family			P		P	P	P	P						
Manufactured Home Park				P										
Second Primary Dwelling Unit												C		
Group Living														
Boarding House			P		P	P	P	P						
Continuing Care Retirement Community			P		P	P	P	P						
Dormitory/Fraternity/Sorority			P		P	P	P	P						
Group Home, Large			P		P	P	P	P						
Group Home, Small	P	P	P	P	P	P	P	P				P		

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD	
LAND USE CATEGORY														
Halfway House			C		C	C	C	C					Per PD Approval	(h)
Residential Care Facility			C		P	P	P	P						
Temporary Shelter			C		C	C	C	C						(i)
PUBLIC and INSTITUTIONAL USES														
Adult and Child Care														
Adult Day Care Center		P	P		P	P	P	P	P				Per PD	
Family Day Care Center	A	A/C	P	A	P	P	P	P	P		A			(j)
Community Service														
Assembly or Lodge Hall						C	P	P		P			Per PD Approval	
Cemetery or Mausoleum	C	C	C	C							P			
Community/Recreation Center	P	P	P		P	P	P	P	P	C	P			
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P		(hh)
Elementary/Secondary School	P	P	P	P	P	P	P	P	P	P	P	P		
Funeral Home or Mortuary					C	C	P	C		P				(k)
Higher Education Institution			P		P	P	P	P	P	C				(l)
Hospital					P	P	P	C	P	P				
Museum or Library	C	C	C		P	P	P	P	P	C	P			

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LAND USE CATEGORY														
Police or Fire Station	P	P	P	P	P	P	P	P	P	C	P		Per PD Approval	
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P			
Public Park, Playground, or Golf Course	P	P	P	P	P	P	P	P	P		P	P		
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P		
Reuse of Place of Public Assembly	C	C	C	C										(m)
Utilities and Communications														
Communication Antenna or Tower as a Principal Use	See section 29-3.3(n)												(n)	
Public Utility Services, Major	C	C	C	C	C	P	P	P	P	P	P	P	Per PD Approval	
Public Utility Services, Minor	C	C	C	C	P	P	P	P	P	P	P			
Wind Energy Conversion System (WECS) as a Principal Use	See section 29-3.3(o)												(o)	
COMMERCIAL USES														
Agriculture & Animal-Related														
Agriculture											P		Per PD Approval	
Farmer's Market	T	T	T		T	P	P	T	T	P	P	P		
Greenhouse or Plant Nursery							P			P	P			

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LAND USE CATEGORY															
<u>Medical Marijuana Cultivation Facility</u>										<u>P</u>	<u>P</u>			(qq)	
Pet Store or Pet Grooming						P	P	P	C	C			Per PD Approval		
Urban Agriculture			C		P	P	C	C			P			(p)	
Veterinary Hospital					C	C	P	P	P	P				(q)	
Food & Beverage Service															
Bar or Nightclub						C	P	P		C			Per PD		
Restaurant						P	P	P	P	P				(r)	
Guest Accommodations															
Bed and Breakfast		C	C		C	P	P	P					Per PD Approval	(s)	
Hotel							P	P	P	P					
Travel Trailer Park							C					C			
Office															
Commercial or Trade School					P	P	P	P	P	P			Per PD Approval	(t)	
<u>Medical Marijuana Testing Facility</u>							<u>P</u>		<u>P</u>	<u>P</u>				(qq)	
Office					P	P	P	P	P	P					
Research and Development Laboratory					P	P	P	P	P	P				(u)	

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LAND USE CATEGORY														
Wholesale Sales Office or Sample Room							P	P	P	P			Per PD	
Personal Services														
Personal Services, General					C	P	P	P	P	P			Per PD	(v)
Self-service Storage Facilities							P	C		P				(w)
Tree or Landscaping Service							P		P	P				(oo)
Recreation & Entertainment														
Indoor Recreation or Entertainment						P	P	P	P	P			Per PD Approval	
Indoor Entertainment, Adult							C			C				(x)
Outdoor Recreation or Entertainment							P		C	P	C	C		(y)
Physical Fitness Center						P	P	P	P	P				
Theatre, Drive-In							C			P				
Retail														
Alcoholic Beverage Sale						P	P	P	P	P			Per PD Approval	(z)
Medical Marijuana Dispensary Facility							<u>P</u>	<u>P</u>		<u>P</u>				<u>(qq)</u>
Retail, Adult							P	P		P			(x)	
Retail, General						P	P	P		P			(aa)	

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	R-1	R-2	R-MF	R-MH	M-OF	M-N	M-C	M-DT	M-BP	IG	A	O	PD	
LAND USE CATEGORY														
Vehicles & Equipment														
Car Wash						C	P	P	P	P				
Heavy Vehicle and Equipment Sales, Rental, and Servicing										P				
Light Vehicle Sales or Rental							P	P	P	P				(bb)
Light Vehicle Service or Repair						C	P	P	P	P				(cc)
Major Vehicle Repair and Service							P		P	P				(cc)
Parking Lot, Commercial							P	P	P	P				
Parking Structure, Commercial							P	P	P	P				
INDUSTRIAL USES														
Commercial Services														
Heavy Commercial Services							P	P		P				
Mechanical and Construction Contractors							C			P				Per PD Approval
Storage and Wholesale Distribution									P	P				(dd)

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LAND USE CATEGORY														
Manufacturing, Production and Extraction														
Artisan Industry						P	P	P	P	P				
Bakery						C	P	P	P	P				
Heavy Industry										C				
Light Industry									C	P			Per PD Approval	(ee)
Machine Shop							C			P				
<u>Medical Marijuana-Infused Products Manufacturing Facility</u>									<u>P</u>	<u>P</u>				<u>(qq)</u>
Mine or Quarry										C	C			
Transportation														
Airport											C			
Bus Barn or Lot							P			P			Per PD Approval	
Bus Station							P	P		P				
Rail or Truck Freight Terminal									C	P				
Waste & Salvage														
Sanitary Landfill											C		Per PD	
Vehicle Wrecking or Junkyard										C				(ff)

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LAND USE CATEGORY															
ACCESSORY USES															
Accessory Dwelling Units	C	A	A										Per PD Approval	(gg)	
Backyard or Rooftop Garden	A	A	A	A	A	A	A	A	A		A		Per PD Approval	(hh)	
Communication Antenna or Tower as an Accessory Use	See section 29-3.3(n)													(n)	
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A	Per PD Approval	(ii)	
Drive-Up Facility					CA	CA	A	CA	A	A				Per PD Approval	(jj)
Home Occupation	A	A	A	A	A	A	A	A	A		A			Per PD Approval	(kk)
Home Occupation with Non-Resident Employees	CA	CA	CA	CA										Per PD Approval	(ll)
Outdoor Storage in Residential Districts	A	A	A	A										Per PD Approval	(mm)
Wind Energy Conversion System (WECS) as a Principal Use	See section 29-3.3(o)													(o)	
TEMPORARY USES															
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T	Per PD Approval		
Temporary Parking Lot					T	T	T	T	T	T	T	T		Per PD Approval	
Temporary Real Estate Sales/Leasing Office	T	T	T	T	T	T	T	T	T		T			Per PD Approval	(nn)
Temporary/Seasonal Sales or Event, Other	T	T	T		T	T	T	T	T	T	T	T		Per PD Approval	