

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 5, 2023**

SUMMARY

A request by the City of Columbia to revise Chapter 29 of the City Code (Unified Development Code) Sections 29-1.11(a) [Definitions], 29-3.2, Table 29-3.1 [Permitted Use Table], and 29-3.3 (qq) [Use-specific Standards] to incorporate new and revised definitions as well as revised use-specific standards to said sections that are reflective of changes to the regulation of marijuana as authorized by Article XIV of the State Constitution.

DISCUSSION

The Unified Development Code was amended in June 2019 to incorporate definitions and use-specific standards related to the regulation of “medical” marijuana. On November 8, 2022, the voters of Missouri approved Amendment 3 to the Missouri Constitution to legalize “recreational” marijuana. As a result, revisions to the UDC are now necessary to Sections 29-1.11(a) [Definitions], 29-3.2, Table 29-3.1 [Permitted Use Table], and 29-3.3 (qq) [Use-specific Standards] so that conformance with the provisions of Article XIV of the Missouri Constitution are maintained.

Amendment 3 makes amendments to Section 1 of Article XIV relating to medical marijuana and adds a new Section 2 relating to non-medical marijuana. There are now four distinct facility types: medical facilities, comprehensive facilities, microbusiness facilities, and testing facilities. The first three are further broken down into:

- Medical facilities:
 - Medical marijuana dispensary facilities
 - Medical marijuana cultivation facilities
 - Medical marijuana-infused products manufacturing facilities
- Comprehensive facilities:
 - Comprehensive marijuana dispensary facilities
 - Comprehensive marijuana cultivation facilities
 - Comprehensive marijuana-infused products manufacturing facilities
- Microbusiness facilities:
 - Microbusiness dispensary facilities
 - Microbusiness wholesale facilities (cultivate and manufacture)

As it relates to marijuana testing facilities, Amendment 3 simply removed the term “medical” from the definition.

Necessary UDC revisions relating to this topic can be broken into two phases. The first phase needs to address issues arising from the conversion of existing medical facilities to facility types that are classified as “comprehensive.” The second phase will need to address facility types that are classified as “microbusinesses.”

Per Amendment 3, Sections 2.4(15)-(16), any medical marijuana facility holding an active license shall have the right to convert their license to an equivalent comprehensive marijuana license (e.g., medical marijuana dispensary facility to comprehensive marijuana dispensary facility). Beginning December 8, 2022, any existing medical facility license may request the conversion of its license to a comprehensive facility license. Conversion requests not processed by the Department of Health and Senior Services (DHSS) within 60 days shall be deemed approved. For the first 18 months after the effective

date, 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. It should be noted, Article XIV includes a limited exception for existing medical marijuana dispensary facilities located in a jurisdiction that prohibits non-medical retail facilities or that is otherwise prevented from operating a comprehensive dispensary facility at the same location as the existing medical dispensary facility.

In response to these provisions, the attached amendments have been prepared. The attached regulatory revisions seek to add definitions for the newly created “comprehensive” facilities as well as modify several of the existing definitions created in 2019 relating to “medical” facilities. Additionally, the amendments will revise the Permitted Use Table to include “comprehensive” facilities in each zoning classification where “medical” facilities are presently permitted. Finally, the proposed revisions amend the use-specific standards to ensure the regulations are consistent in terms of terminology.

It is important to note that no expansion of permissible locations, licensure limitations, or other spacing standards are proposed at this time. The proposed regulations are simply intended to make revisions necessary to accommodate the newly created “comprehensive” facility types. 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.

RECOMMENDATION

Approval of the regulatory revisions to Sections 29-1.11(a), 29-3.2, Table 3-1.1, and 29-3.3(qq) of the UDC so as to ensure conformance with the marijuana regulations contained within Article XIV of the State Constitution.

SUPPORTING DOCUMENTS (ATTACHED)

- UDC Amendments

PUBLIC NOTIFICATION

General notice of a public hearing on this matter was published in the Columbia Tribune on **December 20, 2023**. No public comment was received as of preparation of this report.

Report prepared and approved by Patrick Zenner