



To: City Council
From: Planning and Zoning Commission
Date: July 8, 2019
Re: **Case #19018: 31st Amendment to the UDC – Medical Marijuana Facilities**

GENERAL INFORMATION

Applicant: City of Raymore

Requested Action: 31st Amendment to the Unified Development Code – Medical Marijuana Facilities

Advertisement: June 13, 2019 Journal Newspaper
June 20, 2019 Journal Newspaper

Public Hearing: July 2, 2019 Planning and Zoning Commission
July 8, 2019 City Council

Items of Record: Exhibit 1. Growth Management Plan
Exhibit 2. Unified Development Code
Exhibit 3. Notice of Publication
Exhibit 4. Staff Report

TEXT AMENDMENT REQUIREMENTS

Chapter 470: Development Review Procedures outlines the applicable requirements for amending the text of the Unified Development Code.

Section 470.020 (B) states:

“...text amendments may be initiated by the City Council or the Planning and Zoning Commission”.

Section 470.020 (F) requires that a public hearing be held by the Planning and Zoning Commission and the City Council.

Section 470.020 (G) (2) states:

“In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:”

1. whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore.
2. whether the proposed text amendment corrects an error or inconsistency in the code;
3. the areas which are most likely to be directly affected by such change and in what way they will be affected;
4. whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and
5. whether the proposed text amendment is in the best interests of the City as a whole.

STAFF COMMENTS

1. The voters of Missouri passed Amendment 2 to the Missouri Constitution in November of 2018 establishing a right to access medical marijuana and allowing for the limited production, distribution, sale and purchase of marijuana for medical use. The amendment allows state-licensed physicians to recommend marijuana for medical purposes to patients with qualifying medical conditions.
2. The Missouri Department of Health and Senior Services was tasked with creating the rules to effectuate the provisions of the amendment. Final rules were published in May that provided guidance in the preparation of the proposed UDC amendment.
3. Amendment 2 allows Missouri communities to place reasonable time, place and manner of operation restrictions on medical marijuana facilities. Communities are not allowed under the amendment to “ban” medical marijuana uses. In fact, regulations may not be “overly burdensome” to the point where facilities are effectively banned.
4. The UDC amendment establishes where a medical marijuana facility may be located in the City. A companion ordinance has been prepared that creates a new Chapter 660 of City Code that establishes the local regulations regarding medical marijuana facilities.
5. The definitions proposed in the UDC amendment come directly from the rules published by the Department of Health and Senior Services.

6. Under the UDC amendment medical marijuana facilities would not be permitted in residential zoned areas or in the same building that contains a residence.
7. Amendment 2 establishes a maximum 1,000 foot buffer between a medical marijuana facility and a primary or secondary school, child day-care center, or church. Cities may choose to lessen or waive the buffer requirement but cannot make it greater. Because schools, child day-care centers, churches and residential structures are often near commercial and industrial areas, many Missouri communities are lessening the buffer requirement.
9. The UDC establishes reasonable separation distances between the different types of medical marijuana facilities and different sensitive land uses, such as schools, day-care centers, a religious assembly and residential structures. The range of separation distances is based upon the type of medical marijuana facility and the potential impacts of the facility on the sensitive land use.
10. Amendment 2 allows Qualified Patients, defined as a Missouri resident diagnosed with at least one qualifying medical condition, as well as a primary caregiver, to grow up to six marijuana plants in an indoor, controlled environment within their home. Since this is directly allowed under the constitutional amendment, and would be considered an accessory use under the UDC, the use tables do not have to be modified. Those qualified patients and caregivers wanting to do personal cultivation in the home must acquire an enhanced I.D. card as well as a cultivation authorization from the Department of Health and Senior Services.
11. The UDC requirements and the requirements contained in the companion ordinance establishing Chapter 660 are in addition to the extensive rules and permit requirements established by the Department of Health and Senior Services.
12. The Department of Health and Senior Services has indicated it will limit the issuance of medical marijuana facility licenses as follows:
 - a. up to 60 cultivation facilities
 - b. up to 86 infused products manufacturing facilities
 - c. at least 2 testing facilities
 - d. up to 192 dispensary licenses (no more than 24 per congressional district)

Applications for facilities are officially accepted on August 3. Once applications are received, there will be a scoring system utilized to determine which applications are approved to be issued a license.

PLANNING COMMISSION PROPOSED FINDINGS OF FACT

Under Section 470.020 of the Unified Development Code, the Planning and Zoning Commission is directed concerning its actions in dealing with a request to amend the text of the Unified Development Code. Under 470.020 (G) (2) the Planning and Zoning Commission is directed to make findings of fact taking into consideration the following:

- 1. whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore;**

The proposed amendment is consistent with the identified purpose and intent of Section 400.040 of the Unified Development Code and with the Growth Management Plan.

- 2. whether the proposed text amendment corrects an error or inconsistency in the code;**

The proposed sections of the ordinance do not correct an error or inconsistency.

- 3. the areas which are most likely to be directly affected by such change and in what way they will be affected;**

The changes would affect properties throughout the City.

- 4. whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and**

The proposed amendment is made necessary due to the voter approved amendment to the Missouri Constitution that allows the new land use to exist in Missouri.

- 5. whether the proposed text amendment is in the best interests of the City as a whole.**

The UDC amendment will establish the time, place and manner restrictions allowed under the constitutional amendment for the new land uses. Having restrictions in place is in the best interests of the City by ensuring new facilities are adequately separated from identified sensitive land uses.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u> Public Hearing	<u>Planning Commission</u> July 2, 2019	<u>City Council 1st</u> July 8, 2019	<u>City Council 2nd</u> July 22, 2019
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STAFF RECOMMENDATION

Staff prepared the 31st amendment to the Unified Development Code with the understanding that the voters of the State of Missouri approved Amendment 2, establishing a right to access medical marijuana. Staff reviewed the amendment language and the rules proposed by the Department of Health and Senior Services to ensure any local ordinance would be in full compliance with the laws of the state. Staff looked closely at the buffers between sensitive land uses and proposed medical marijuana facilities in order to ensure adequate separation while maintaining enough available land area for facilities to not be over burdensome with the regulations.

Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #19018, 31st amendment to the UDC, to the City Council with a recommendation of approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its July 2, 2019 meeting, voted 9-0 to accept the staff proposed findings of fact and forward Case #19018, 31st amendment to the UDC, to the City Council with a recommendation of approval.