Amended Substitute Bill No. 4743  
Requested by:  Sara Evers and Mike Hurlbert  
Sponsored by:  John White

AN ORDINANCE CREATING A NEW CHAPTER 277, MEDICAL MARIJUANA REGULATIONS, IN THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI ("OSCCMo.") AND AMENDING CERTAIN SECTIONS OF CHAPTER 405, OSCCMo., UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "ZONING REGULATIONS," IN ORDER TO ESTABLISH MEDICAL MARIJUANA LAND USE AND SAFETY REGULATIONS.

WHEREAS, on November 6, 2018, a majority of the qualified voters of the State of Missouri approved the adoption of Amendment 2 to the Missouri Constitution, to enact Article XVI, Section 1, relating to access to medical marijuana, which became effective on December 6, 2018; and

WHEREAS, Amendment 2 permits local governments to enact ordinances not in conflict therewith governing the time, place, and manner of operation of Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, Medical Marijuana Testing Facilities, and Medical Marijuana Transportation Facilities; and

WHEREAS, St. Charles County wishes to regulate the location and operation of Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities, Medical Marijuana-Infused Products Manufacturing Facilities,
Medical Marijuana Testing Facilities, and Medical Marijuana Transportation Facilities to protect the health, safety, and welfare of the County’s residents, businesses, and property; and

WHEREAS, the general welfare, health, and safety of the citizens of this County will be promoted by enactment of this Bill; and

WHEREAS, the Unified Development Ordinance’s Section 405.535.B.2 OSCCMo provides that by its own motion and ordinance, the County Council may amend the text of the Unified Development Ordinance; and

WHEREAS, a Work Session was held on July 8, 2019 by the County Council regarding the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A new Chapter 277 OSCCMo. is hereby created and reads as follows:

Chapter 277 MEDICAL MARIJUANA REGULATIONS

PART I. GENERAL PROVISIONS

Section 277.010 Title.

This Chapter shall be known as “The Medical Marijuana Ordinance for St. Charles County, Missouri.”

Section 277.020 Scope.
The provisions of this Chapter shall apply within and throughout the unincorporated part of St. Charles County, Missouri.

Section 277.030 Purpose.

It is the purpose of this Chapter to regulate the time, manner, and operation of medical marijuana businesses to promote the health, safety, and general welfare of the citizens of St. Charles County, Missouri, and to establish reasonable and uniform regulations to prevent the possible deleterious operation, location, and concentration of medical marijuana businesses within St. Charles County, Missouri. It is neither the intent nor effect of this Chapter to deny Qualifying Patients access to medical marijuana as provided by Amendment 2. It is neither the intent nor effect of this Chapter to condone or legitimize the illicit possession, distribution, or delivery of any controlled substance.

Section 277.040 Definitions.

A. For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

AMENDMENT 2: A voter-initiated amendment to the Missouri constitution adopted November 6, 2018, codified as Section 1 of Article XIV of the Missouri Constitution.

COUNTY LICENSE: A County Medical Marijuana Business License issued by St. Charles County pursuant to this Chapter.
DEPARTMENT: The State of Missouri Department of Health and Senior Services, or its successor agency.

FACILITY: A Medical Marijuana Cultivation Facility; a Medical Marijuana-Infused Products Manufacturing Facility; a Medical Marijuana Testing Facility; a Medical Marijuana Dispensary Facility; a Medical Marijuana Transportation Facility; any combination thereof; or any business related to the possession, sale, use, cultivation, or manufacture of Marijuana. Any warehouses constructed for a Facility are to be considered part of the Facility for which the warehouse is being constructed.

IDENTIFICATION CARD: A card issued by the Missouri Department of Health and Senior Services that permits a Qualified Patient or Primary Caregiver to purchase medical Marijuana.

LICENSEE: An entity issued a license or certification by the Department for the cultivation, manufacture, dispensing, sale, testing, tracking, and/or transportation of Marijuana for medical use.

MARIJUANA: or “Marihuana” means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood, within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that
does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS: Products that are infused with Marijuana or an extract thereof and are intended for use or consumption other than by smoking, including but not limited to edible products, ointments, tinctures, and concentrates.

MEDICAL MARIJUANA CULTIVATION FACILITY: A Facility licensed by the Department to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

MEDICAL MARIJUANA DISPENSARY FACILITY: A Facility licensed by the Department, to acquire, store, sell, transport, and deliver Marijuana, Marijuana-Infused Products, and drug paraphernalia used to administer Marijuana as provided for in this section 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 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 to acquire, test, certify, and transport Marijuana.

MEDICAL MARIJUANA TRANSPORTATION FACILITY: A Facility certified by the Department to transport Marijuana to a Qualifying Patient, a Primary Caregiver, a Medical Marijuana Cultivation Facility, a Medical Marijuana-Infused Products Manufacturing Facility, a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or another Medical Marijuana Transportation Facility.

PATIENT or QUALIFYING PATIENT: A Missouri resident diagnosed with at least one (1) qualifying medical condition.

PERSON: An individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

PRIMARY CAREGIVER: An individual twenty-one years of age or older who has significant responsibility for managing the well-being of a Qualifying Patient and who is designated as such on the Primary Caregiver’s application for an identification card or in other written notification to the Department.
B. In addition to the definitions provided in Subsection A of this Section, the other defined terms in Amendment 2, as codified in Article XIV of the Missouri Constitution, are incorporated into this Chapter by reference.

PART 2. COUNTY LICENSE REGULATIONS

Section 277.200 County Medical Marijuana Business License Required.

No Person shall operate a Facility without first having obtained a valid County Medical Marijuana Business License ("County License") as provided by this Chapter. Each Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana Transportation Facility shall require its own County License. Each Facility shall display, without obstruction in a conspicuous place, the County License.

Section 277.210 Application for County Medical Marijuana Business License

A. Any Person desiring to receive a County License shall make written application to the St. Charles County Registrar in a format prescribed by the County Registrar. If a Person desires to receive a County License for more than one Facility, a separate application shall be required for each individual Facility.
B. An application for the County License must contain the following:

1. A completed Application for County Medical Marijuana Business License, which shall include the type of Facility the applicant shall operate. All information requested on the form must be completed.

2. A completed Application for a Zoning Confirmation for the proposed location of the Facility, as provided in Section 277.300.A. All information requested on the form must be provided.

3. An Operating Plan, as provided in Section 277.300.B.

4. The appropriate MDHSS license and/or certification required by the MDHSS for the type of Facility to which the County License shall apply, and in accordance with Section 277.300.C. The MDHSS License does not have to be submitted at the time of application, but must be submitted before final approval of any application for County License will be granted.

5. Proof of insurance evidencing that the applicant has acquired appropriate general liability insurance in the amount of at least five hundred thousand dollars ($500,000.00) for each occurrence.
6. A Medical Marijuana Business License Fee of two hundred twenty-five dollars and zero cents ($225.00).

Section 277.300. County Medical Marijuana Business License Requirements.

A. Zoning Confirmation. Applicants must submit a completed Application for a Zoning Confirmation to the Community Development Department Division of Planning and Zoning, pursuant to Section 405.531 and pay the fee set forth in Section 425.020(F) for issuing such Zoning Confirmation. Such Zoning Confirmation shall be issued if the proposed location of the Facility complies with the County’s zoning and location standards set out in Chapter 405 OSCCMo. The Zoning Confirmation may be issued prior to issuance of the relevant license and/or certification by the Missouri Department of Health and Senior Services. A Zoning Confirmation shall be valid for one (1) year from the date of issuance. If the Zoning Confirmation expires prior to final approval of an Application for County Medical Marijuana Business License, a new Application for a Zoning Confirmation must be submitted by the applicant and approved by the Community Development Department Division of Planning and Zoning before final approval of an Application for County Medical Marijuana Business License will be granted.
B. Operating Plan.

1. An applicant for a County License must provide, at the time of filing such an application, a detailed Operating Plan. Such plan shall include a floor plan showing the layout of the Facility and the principal uses of the floor area depicted and a security plan detailing what measures shall be taken in compliance with Section 277.540 of this Chapter. Such operating plan shall comply with all state and local laws and regulations applicable to such a Facility. Such Operating Plan must be approved by the Community Development Department Division of Building and Code Enforcement.

2. Upon issuance of a County License, a County licensee shall operate the Facility in accordance with the approved Operating Plan.

3. Any proposed amendments or revisions to the approved Operating Plan must be submitted to the County Registrar and approved by the Community Development Department Division of Building and Code Enforcement before implementation of such change.

C. MDHSS License. Applicants and County licensees must possess the valid license and/or certification from the Department certifying the applicant as a Licensee to operate the appropriate
Facility. If such License has been assigned, sold, given, leased, sublicensed, or otherwise transferred to applicant from the original Licensee, then applicant must also present documentation from the Department providing consent to such transfer in accordance with state law.

D. County License Approval. When an applicant has successfully met all of the requirements for issuance of a County License, the County Registrar shall issue such County Medical Marijuana Business License. Such County License shall be subject to all conditions of relevant State approvals and approved operating and security plans as if fully rewritten therein. Such license shall be valid for three (3) years from the date of issuance.

E. Renewal Procedure.

1. At least thirty (30) days and not more than ninety (90) days prior to the expiration of the County License, a County licensee may apply to the Registrar for a renewal thereof. Applications for renewal made less than thirty (30) days prior to the expiration of the County License are not guaranteed to receive notice of decision on the renewal before the County License expiration date.

2. The County licensee shall indicate any changes from the information furnished to the Registrar at the time of the original application.
3. The renewal application shall include the Medical Marijuana Business License Renewal Fee of two hundred twenty-five dollars and zero cents ($225.00).

4. The Registrar shall renew said County License for an additional three (3)-year period if the County licensee meets all requirements for issuance of a County License.

F. Grounds for Denial of a County Medical Marijuana Business License.

1. An application for a County Medical Marijuana Business License or application for renewal may be denied by the County Registrar if the applicant has:

   a. Committed any act which, if committed by a County licensee, would be grounds for suspension or revocation of the County License under this Chapter;

   b. Previously been denied a County License for cause, or previously had a County License revoked for cause;

   c. Knowingly made any false statement or misrepresentation on the application or in connection with the processing of the application;
d. Submitted an incomplete application; or

e. Failed to comply with the requirements of this Chapter, Chapter 405 OSCCMo, or any other applicable provisions of OSCCMo.

2. If an application for a County License or application for renewal is denied, such reason for denial shall be in writing and provided to the applicant.

3. Any determination of non-issuance may be appealed under the provisions of Section 536.150, as amended.

G. Suspension and Revocation Procedure for a County Medical Marijuana Business License.

1. The Registrar may suspend a County License for a period of up to ninety (90) days if he or she finds one (1) or more of the following:

   a. Intentional misstatement or misleading statements of fact in the application not discovered until after the issuance of said license;
   
   b. Violation of the County licensee’s Operating Plan;
   
   c. Violation of any of the terms of the County Medical Marijuana Business License;
d. Violation of any of the terms of the MDHSS License; or

e. Violation of any of the requirements of this Chapter, Chapter 405 OSCCMo, or any other applicable provisions of OSCCMo.

2. In the event that the Registrar suspends a County License, the Registrar shall provide notice of the reason(s) for the suspension to the County licensee in writing sent by certified mail or hand delivered to the County licensee. The County licensee, upon request, shall be entitled to a hearing before the Registrar or his or her designee within five (5) business days from the request to provide information or evidence that the County licensee meets each of the requirements for a County License. The decision of the Registrar after the hearing and the reasons therefore shall be sent by certified mail or hand delivered to the County licensee.

3. Upon proof shown that the basis for suspension has been cured, the Registrar may reinstate the County licensee’s County License and shall provide written notice sent by certified mail or hand delivered to the County licensee.

4. Failure to cure the violation(s) within the 90-day suspension period shall result in the revocation of the County License. Such
notice of revocation shall be sent by certified mail or hand delivered to the County licensee.

Section 277.350 Transfer of License.

No County License shall be transferred from a County licensee to any other Person.

Section 277.420 Additional Regulations.

Additional regulations, forms, and information may be required by the St. Charles County Registrar of all applicants and County Licensees so long as such requirements are not inconsistent with this Chapter or the laws and constitutions of this State or the United States.

PART III. MEDICAL MARIJUANA FACILITY REGULATIONS

Section 277.510 Limitation on Delivery.

No Facility shall be permitted to have drive-through lanes or windows. Except for a licensed Transportation Facility, each Facility shall be operated from a permanent location. No Facility shall be permitted to operate from a movable, mobile, or transitory location.

Section 277.520 Hours of Operation for Medical Marijuana Dispensary Facility.

A Medical Marijuana Dispensary Facility may open no earlier than eight o’clock (8:00) A.M. and shall close no
later than eight o’clock (8:00) P.M. the same day. A Medical Marijuana Dispensary Facility may be open seven (7) days a week.

Section 277.540 Security Plan and Requirements.

A. Each Facility shall provide adequate security on the premises including, but not limited to, the following:

1. **Surveillance.** Security surveillance cameras installed to monitor each entrance to the Facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days.

2. **Inventory.** All salable inventory of marijuana must be kept and stored in a secured, locked manner.

3. **Safe.** A locking safe or secure vault must be permanently affixed or built into the premises to store any currency on site.

4. **Lighting.** Exterior lighting that illuminates the exterior walls of the Facility premises.

5. **Alarm System.** A professionally monitored robbery and burglary alarm system shall be installed and maintained in good working condition within the Facility at all times.
B. Each Facility shall provide the St. Charles County Registrar with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the County may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the Licensee to keep the contact information of the Facility employee up to date.

Section 277.550 Odor; Nuisance.

No Facility or the activities within the Facility shall emit an odor beyond the boundaries of the property on which it is located or in any way cause a nuisance as set forth in the Ordinances of St. Charles County, Missouri (OSCCMo.). If a Medical Marijuana Dispensary Facility is located in a building with multiple tenants, the Facility must not emit an odor detectable outside the space leased by the Dispensary Facility. Each Licensee is required to install such ventilation and air filtration systems necessary to comply with this Section.

PART IV. VIOLATION, PENALTY, AND ENFORCEMENT

Section 277.900 Violations and Penalties.

A. Misdemeanor. Any Person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of up to one thousand dollars ($1,000) per day for each violation. Each and every day that such violation continues shall constitute a separate offense. The judge(s) presiding over cases prosecuting such
violations will set the schedule for fines and any other such punishment allowable under this Chapter, as the judge(s) may deem appropriate.

B. *Injunction; Actions to Abate.* Nothing in this provision shall be construed to limit the ability of the County or other affected persons to pursue any other remedies available, including a suit for injunction, in order to enforce the provisions of this act or prevent any illegal act, conduct, business, or use in or about the premises.

Section 277.910 Enforcement.

Enforcement and administration of this Chapter shall be the responsibility of the Office of the Registrar. The Office of the County Counselor shall be responsible for the prosecution of violations of this Chapter and pursuit of other legal remedies available for violations of this Chapter.

Section 277.920 Conflicting Law.

All County ordinances, codes, regulations, and orders or parts thereof shall be construed and interpreted in such a manner as to conform to the provisions of this Chapter. To the extent that such ordinances, codes, regulations, and orders or parts thereof are in direct conflict with and cannot be construed or interpreted in such a way as to conform to the provisions of this Chapter, such ordinance, codes, regulations, and order or parts thereof shall not apply.

Section 277.930 No Waiver of Governmental Immunity.
In adopting this chapter, the St. Charles County Council is relying on and does not waive nor intend to waive any of the monetary limitations or any other rights, immunities, and protections provided by the Sections 537.600 and 537.610 RSMo., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the County, its officers, or its employees.

Section 277.940 Other Laws Remain Applicable.

The provisions of this Chapter do not protect Facility Licensees, operators, employees, customers, and clients of a Facility from prosecution pursuant to any laws that may prohibit cultivation, sales, use, or possession of controlled substances. In addition, as of the date of the adoption of this Chapter, the cultivation, sale, possession, distribution, and use of Marijuana remain violations of federal and state law (except for conduct covered by Amendment 2), and this Chapter affords no protection against prosecution under such federal and state laws. Licensees, operators, employees, customers, and clients of a Facility assume any and all risk and any and all liability arising or resulting from the operation of a Facility under any state or federal law.

Section 2.

Section 405.080, OSCCMo. is hereby amended as follows (additions in bold type, deletions in [struck through] type):

Section 405.080 “A” Agricultural District.

A. Statement of Intent. The intent of this district is to provide for agricultural, recreational, wildlife, open space, farming, river-oriented uses and
related uses and to discourage premature and disassociated urban development. The minimum lot size of five (5) acres is designed to support agricultural uses and home sites which require proper siting in a rural area.

B. Permissive Uses.
1. Except in platted subdivisions, agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands and other uses commonly classified as agricultural with no restrictions to operation of such vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry shall be permitted within one hundred fifty (150) feet of any property line. The platted subdivision exception as indicated above does not apply to any of the other permissive or conditional uses of the “A” Agricultural District.
2. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of fur-bearing animals.
3. Buildings and other structures used as barns, utility sheds, unattached carports, or unattached garages, provided that such structures:
   a. Are not used, designed to be used, or intended to be used as residences, housing, business, commercial, industrial, or office purposes, either temporary or permanently; and
   b. Comply with the size limits listed in Section 405.080(E), Accessory
4. Cemetery. Cemeteries with a crematory as an accessory use shall be on a site of not less than twenty (20) acres.

5. Churches.

6. Exotic or wild animal on a site of not less than ten (10) acres, provided feeding areas are located one hundred fifty (150) feet from all property lines.

7. Ferry landings, boat docks and marinas.

8. Forest or wildlife reservations or small conservation uses.

9. Golf course and clubhouse, with a driving range (unlighted) as an accessory use.

10. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.

11. Hunting, fishing, and propagation of wildlife.

12. Manufactured/mobile homes (except in subdivisions platted for residential use), modular structures.

13. Public building or facility erected by a governmental agency.

14. Public parks or playgrounds.

15. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.


17. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks with screening as approved on the site plan, for the purpose of providing
services to the public.


19. Sod farms.

20. Stable, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).

21. Utility substation or pumping station for electrical, water, gas or telephone utilities on a site of not less than ten thousand (10,000) square feet in size.

22. Accessory uses and buildings incidental to the above uses when located on the same lot; examples of which are vegetable and flower gardens, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Conditional Uses

1. Adult day care.

2. Airport or landing field.

3. Animal feedlot in excess of one thousand (1,000) animal units.


5. Blacksmith operated only by a resident of the property.

6. Boat brokerage in conjunction with a marina.
7. Boats; the rental, sale, storage, and repair of boats, and boating supplies, including marine gas in conjunction with a marina.

8. Brewhouse, provided said brewhouse is located on a parcel forty (40) acres or larger in area, and subject to the agriculture or winery-related tourism development standards set forth in Sections 405.520(F)(2)(a, b, e) and 405.520(F)(4).

9. Broadcast facility, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower.

10. Buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties.

11. Campgrounds.


13. Extraction, quarrying, or mining of sand, gravel, top soil, or other material.

14. Farm stands, commercial.

15. General contracting services relating to building, electrical, heating and cooling, painting and plumbing, provided that materials, vehicles and trailers used in connection with such services shall be stored within an enclosed building, and provided that any site occupied by services permitted under this provision shall be a compact site having at least one hundred fifty (150) feet of
frontage on a public road and an area no greater than two (2) acres.

16. Historic sites.

17. Houseboats used as a residence.

18. Institution (hospital, nursing, rest, or convalescent home, and educational or religious), provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.

19. Kennels, provided that the buildings and pens are one hundred fifty (150) feet from all property lines.

20. Lawn care service and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.

21. Logging operations, sawmills, and mill storage of lumber, not including any fabrication of timber structures.

22. Medical Marijuana Cultivation Facility, as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.


24[3]. Preschool, daycare, special, or other private school.

25[4]. Private clubs, provided said private club is a minimum of one hundred (100) feet from all property lines.

26[5]. Recreation, commercial outdoor.
27[6]. Rural Recreational Activity.
28[7]. Restaurant in association with any permitted or conditional use (except single-family residence). Notwithstanding Section 405.510, any restaurant operating under a conditional use permit issued before November 27, 2012, and that has continuously operated as a restaurant from that date to July 14, 2014, shall be automatically eligible to reinstate the previous conditional use permit.
29[8]. Single-family/single household dwellings and manufactured/modular homes utilized as a second (2nd) dwelling on a temporary basis not to exceed five (5) years.
30[29]. Stable, riding.
31[9]. Taxidermy.
32[+] Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.
33[2]. Veterinary clinic.
34[3]. Wind turbines and wind turbine farm.
35[4]. Winery, subject to development standards set forth in Part 4, Section 405.520(F)(2-5).

D. Height, Area [A]nd Lot Requirements.
1. Maximum height. Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
2. Minimum front yard. Fifty (50) feet.
3. Minimum side yard. Forty (40) feet.
4. Minimum rear yard. Fifty (50) feet.
5. Minimum lot width. One hundred fifty (150) feet.
6. Minimum lot area. Five (5) acres unless otherwise specified in this Section.
   a. Parcels or lots duly recorded in the County Recorder's office, as of, and unaltered since the date of adoption of this ordinance and those lots within subdivisions which have received preliminary plat approval prior to the date of adoption of this ordinance may be developed with any Agricultural District permitted use provided that all other requirements of the Unified Development Ordinance are met.
   b. The owner of a lot improved by a residential structure existing prior to February 13, 2006, may record in the County Recorder's office a deed or deeds establishing a three (3) acre tract as the site of that residential structure while leaving the remainder as a separate tract, provided however that such division of land meets all other applicable requirements of this Unified Development Ordinance, except that if the lot to be divided is within a plat recorded on or before November 2, 1959, a re-subdivision plat is not required for such divisions.
7. Minimum dwelling size (living space). Eight hundred (800) square feet for single-family.
8. Minimum front yard for lots of record less than one (1) acre in size. Twenty-five (25) feet.

9. Minimum side yard for lots of record less than one (1) acre in size. Seven (7) feet.

10. Minimum rear yard for lots of record less than one (1) acre in size. Twenty-five (25) feet.

E. Accessory Structure.

1. Maximum total size of an accessory structure or of more than one (1) accessory structures on any given parcel may not exceed the following limits.
   a. For parcels less than one (1) acre in size, up to one thousand two hundred (1,200) square feet.
   b. For parcels at least one (1) but less than three (3) acres in size, two thousand four hundred (2,400) square feet.
   c. For parcels at least three (3) but less than five (5) acres in size, three thousand six hundred (3,600) square feet.
   d. For parcels at least five (5) acres but less than ten (10) acres in size, four thousand eight hundred (4,800) square feet.
   e. For parcels at least ten (10) acres, or more, in size, no maximum square footage.
   f. Any accessory structure that existed prior to the inception of the County Zoning Regulations by Order of the St.
Charles County Court on November 2, 1959, shall be exempt from, and its size shall not be used in the calculation of, the maximum total size limitations provided in this Section 405.080(E)(1).

2. Minimum front yard of accessory structure. Fifty (50) feet.

3. Minimum side yard of accessory structure. Seven (7) feet.

4. Minimum rear yard of accessory structure. Seven (7) feet.

5. Minimum distance from main structure to accessory structure. Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard, however, no part of the structure may be located directly in front of the main structure.

6. Minimum setbacks for boarding and/or private stables. Fifty (50) feet from all property lines.

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

H. Solid Waste Disposal Screening Regulations. Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

Section 3. Section 405.135, OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [bracketed and stricken] type):

Section 405.135 “C2” General Commercial District.

A. Statement [Θ] of Intent. The intent of this district is to provide locations for a wide range of commercial, retail, and service activities serving a large community trade area. The regulations embodied in this district facilitate the establishment of conditions suitable for operations of businesses catering to the general public.

B. Permissive Uses.

1. Any permissive use or conditional use of the Park Recreational “PR” and Neighborhood Commercial “C1” Districts, except single-family/single household dwellings, houseboats, temporary fireworks stands, bed and breakfast residences or broadcast facilities and telecommunication facilities.
2. Art gallery and museum.
3. Automobile car wash.
4. Automobile service station and automobile
repair, including auto body shop, provided that wrecked or dismantled vehicles or parts are stored in a building or enclosed within an eight (8) foot sight-proof fence.

5. Bed and breakfast inn.


8. Broadcast facility of one hundred (100) feet or less in height, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower.

9. Business or commercial school or academy.

10. Carpentry and woodworking related to furniture and small wood products employing not more than four (4) individuals, and provided there is no open storage of materials or products.

11. Dyeing, cleaning, printing, tinsmithing, tire sales and service, upholstering, and other general service and repair establishment of similar character. Not more than ten percent (10%) of the lot or tract occupied by such an establishment shall be used for the outside storage of materials or equipment within an eight (8) foot sight-proof fence.

12. Department and discount store.

13. Display and sales room.

14. Farm or feed store, including accessory storage of liquid or solid fertilizer.

15. Frozen food lockers and cold-storage facility.

16. Furniture, home furnishing, and floor
covering, retail.

17. General contracting services relating to building, electrical, heating and cooling, painting, and plumbing with no outside storage except for trucks and dump trucks which may be stored outside.


19. Health and exercise club, reducing salon, and athletic club.

20. Laboratory—research, experimental, or testing.

21. [(Reserved)]

22.] Mail order facilities, including direct mail and similar facilities.

22. Medical Marijuana Cultivation Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.

23. Medical Marijuana Dispensary Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.

24. Medical Marijuana Testing Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.


3[0]2. Supermarket.

3[4]3. Tattooing/body piercing establishment,
established pursuant to Chapter 645, Ordinances of St. Charles County, Missouri, provided that the premises occupied be at least one thousand (1,000) feet from the site of any public or private school.


3[6]8. Accessory use customarily incidental to any of the above including a crematory as an accessory use to a mortuary.


C. Conditional Uses

1. Airport or landing field.

2. Amphitheater, aquarium, arena and fieldhouse, auditorium, convention center, planetarium, stadium, and zoo.

3. Amusement game machine complex.

4. Amusement park or any outdoor amusement area.

5. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used).
6. Automobile, boat, truck, mobile home, manufactured home, modular home and recreational vehicle storage.


8. Broadcast facility in excess of one hundred (100) feet in height, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower.

9. Construction equipment and heavy machinery (new and used): sales, lease, rental, repair and storage.

10. Drive-in theater.

11. Farm machinery and equipment, sales, and repair.

12. Firewood — cutting, sales and storage.

13. Helicopter landing pad area.


15. Landscaping contracting services.

16. Lumberyard and building materials.

17. Regional shopping center.

18. Self-storage or mini warehouses.


20. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

21. Temporary fireworks stands.

22. Truck or bus terminal.
23. Truck stop, with or without restaurant and motel facilities.
25. Warehouse or wholesale establishment.

D. Height, Area [A] and Lot Requirements [F] for All Structures.
1. Maximum height. Sixty (60) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
3. Minimum side yard. Ten (10) feet where a side yard adjoins a property within an “A” Agricultural District or “R” Residential District property; or zero (0) feet.
4. Minimum rear yard. Zero (0) feet where a rear yard adjoins a property within a “C” Commercial zoning district; or fifteen (15) feet.
5. Minimum lot width. None.
6. Minimum lot area. None (except seven thousand (7,000) square feet for residential).
7. Minimum dwelling size (living space).
   a. Eight hundred (800) square feet for single-family.
   b. Seven hundred (700) square feet (per family) for two-family.
   c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
   d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.


G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

Section 4. Section 405.170, OSCCMo. is hereby amended as follows (additions in bold type, deletions in [bracketed and striken] type):

Section 405.170 “II” Light Industrial District.

A. Statement of Intent. The intent of this district is to provide for locations with a variety of less-intense industrial, warehouse, and wholesale operations. Such an establishment in this district is relatively free of objectionable influence in its operation and appearance. Industrial work, in which the finished
product is generally produced from semi-finished material, applies to this district.

B. Permissive Uses.

1. Any permissive use or conditional use of the “C2” General Commercial District, except automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used); farm machinery and equipment, sales, and repair; landscaping contracting services; construction equipment and heavy machinery (new and used): sales, lease, rental, repair and storage; dwellings, unless to be for and occupied by: a watchperson, attendant, guard or other personnel who customarily resides on the premises; temporary fireworks stands; or broadcast facilities and telecommunication facilities.

2. Broadcast facility of one hundred fifty (150) feet or less in height, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower.

3. Baking plant, with baked goods not sold on premise.

4. Bottling works and food packaging.

5. Brewery.

6. Cabinet, carpentry, pattern shop, planing mill, and woodworking plant.

7. Chemical laboratory not producing noxious fumes or odor.
8. Commercial and industrial machinery, equipment, and supplies, sales, and service.
9. Distillery (facility that produces alcoholic drinks for human consumption).
10. Docks, piers, and wharves, and equipment and structure incidental to river barge traffic.
11. Grain elevator and flour mill.
12. Laundry or dry cleaning plant.
13. Machine shop, electroplating, photoengraving, plumbing and sheet metal shop, and other similar uses.
14. Manufacturing or processing of articles, materials, and products, except those uses permitted in Section 405.175.
15. Masonry and stonework operation.
16. Medical Marijuana Cultivation Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
17. Medical Marijuana Dispensary Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
18. Medical Marijuana-Infused Products Manufacturing Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
19. Medical Marijuana Testing Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
20. Medical Marijuana Transportation Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
21.[16]. Monument and marble work.
[17. (Reserved)]
22[18]. Pet crematories.
23[19]. Railroad switching yard, railroad terminal, freight yard, and facility.

[20. (Reserved)]
21. (Reserved)
22. (Reserved)

24[3]. School for industrial training, trade or business.
25[4]. Sewage treatment plants and water supply plants.
26[5]. Sexually oriented business.
[26. (Reserved)]

27. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

[28. (Reserved)]
28[29]. Accessory uses customarily incidental to any of the above.

C. Conditional Uses
1. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used) or storage lots.

2. Broadcast facility in excess of one hundred fifty (150) feet in height, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower.

4. Construction equipment and heavy machinery (new and used): sales, lease, rental, repair and storage.

5. Farm machinery and equipment, sales, and repair.

6. Houseboats.

7. Landscaping contracting services.

8. Race track for vehicles or animals, including go-cart race track.


10. Redi-mix concrete operation and batch plant, if product is to be used off-site.


12. Sales area and bulk storage yard or warehouse for such material as: asphalt, brick, building material, cement, coal, cotton, feed, fertilizer, fuel, grain, gravel, grease, hay, ice, lead, lime, lumber, metal, oil, plaster, roofing, rope, sand, stone, tar, tarred or creosoted product, terracotta, timber, tobacco leaf and tobacco product, wood, and wool.

14. Storage area and storage yard for cable television operation, well-drilling contractors' supplies, asphalt and concrete paving firm, and contractors' heavy construction equipment, including excavating and grading equipment.

15. Telecommunication tower and telecommunication farm as regulated in Part 3, Article VIII, Section 405.505.


17. Trash transfer station, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.

18. Vehicle impound facility, provided that vehicles are stored in a building or enclosed within an eight (8) foot sightproof fence.

D. Height, Area [A]and Lot Requirements.

1. Maximum height. Sixty (60) feet.

2. Minimum front yard. Thirty-five (35) feet.

3. Minimum side yard. Zero (0) feet where a side yard adjoins a property within an “I” Industrial zoning district; or ten (10) feet.

4. Minimum rear yard. Zero (0) feet where a rear yard adjoins a property within an “I” Industrial zoning district; or fifteen (15) feet.

5. Minimum lot width. None.

6. Minimum lot area. None (except seven thousand (7,000) square feet for residential).

7. Minimum dwelling size (living space). One thousand (1,000) square feet.
E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading [A]and Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

Section 5. Section 405.175.B, OSCCMo. is hereby amended as follows (additions in **bold** type, deletions in [*bracketed and strikethrough*] type):

Section 405.175 “I2” Heavy Industrial District.

A. Statement of Intent. The intent of this district is to provide for locations with basic heavy manufacturing and primary industrial facilities and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap materials for processing to semi-finished or finished products.

B. Permissive Uses.

1. Any permissive use or conditional use of the “I1” Light Industrial District.
2. Acid manufacture.
3. Aircraft and space vehicle manufacturing.
4. Automobile, truck, motorcycle, and other motor vehicle and related equipment, manufacturing.
5. Biological product manufacturing.
8. Chemical manufacturing.
10. Coal mining.
11. Construction, mining, and material handling machinery and equipment, manufacturing.
13. Extraction, quarrying or mining of sand, gravel, top soil, or other material.
14. Farm machinery and equipment manufacturing.
15. Gun, howitzer, and related equipment, not including ammunition manufacturing.
16. Hot mix asphalt facility.
17. Industrial machinery and equipment manufacturing.
19. Manufactured home, modular home, and recreational vehicle manufacturing.
20. Medical Marijuana Cultivation Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
21. Medical Marijuana Dispensary Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.
22. Medical Marijuana-Infused Products Manufacturing Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.

23. Medical Marijuana Testing Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.

24. Medical Marijuana Transportation Facility as regulated in Chapter 405, Part 3, Article X and Chapter 277, OSCCMo.


C. Conditional Uses

1. Agricultural chemical and fertilizer manufacturing.

2. Ammunition manufacturing and complete assembly of guided missiles.

3. Automobile wrecking, car and part storage, and sales.


5. Asphalt felt and coating manufacturing.

7. Broadcast facility in excess of one hundred fifty (150) feet in height, provided that the distance from the center of the tower base to the nearest “A” (Agricultural) or “R” (Residential) District property line shall not be less than the height of the tower.

8. Cement, lime, gypsum, or plaster of Paris manufacturing.


10. Distillation, manufacture, or refining of bone, coal, or tar asphalt.


12. Electric generating plant.

13. Explosive devices or materials, manufacture or storage or year-round distribution or sale, at retail or wholesale.

14. Fat, grease, lard, or tallow rendering or refining.

15. Foundry, non-ferrous metal manufacturing.

16. Gas production plants and storage.

17. Gelatin and glue manufacturing.

18. Grease and lubricating oil manufacturing.


21. Petroleum refining and petroleum products terminal.
22. Prison and correctional institution, privately operated.
23. Reclamation of rubber.
26. Salvage yard.
27. Smelting plant.
28. Telecommunication tower and telecommunication farm as regulated in Part 3, Article VIII, Section 405.505.
29. Temporary fireworks stands.

D. Height, Area [A]and Lot Requirements.
   1. Maximum height. Sixty (60) feet.
   2. Minimum front yard. Thirty-five (35) feet.
   3. Minimum side yard. Zero (0) feet where a side yard adjoins a property within an “I” Industrial zoning district; or ten (10) feet.
   4. Minimum rear yard. Zero (0) feet where a rear yard adjoins a property within an “I” Industrial zoning district; or fifteen (15) feet.
   5. Minimum lot width. None.
   6. Minimum lot area. None.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.
F. Parking, Loading [A]and Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal [A]and Screening Regulations. All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

Section 6. A new Article X of Chapter 405, Part 3, Sections 405.5071, 405.5072, 405.5073, 405.5074, 405.5075, and 405.5076, OSCCMo., are hereby created and read as follows:

Article X Regulations for Medical Marijuana Facilities

Section 405.5071 Definitions.

For the purposes of this Article, the following terms shall have the same meaning as codified in Section 277.040 OSCCMo., and are incorporated herein by reference:

1. FACILITY;
2. MEDICAL MARIJUANA CULTIVATION FACILITY;
3. MEDICAL MARIJUANA DISPENSARY FACILITY;
4. MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY;
5. MEDICAL MARIJUANA TESTING FACILITY; and
6. MEDICAL MARIJUANA TRANSPORTATION FACILITY

Section 405.5072 Location of Medical Marijuana Facilities.

A. Each Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Medical Marijuana Dispensary Facility shall be operated from a permanent location. No Facility described in this section shall be permitted to deliver or operate from a movable, mobile, or transitory location.

B. A Facility shall not be operated within one thousand (1,000) feet, as measured by Subsection E(1), of the following:

1. A church, synagogue, mosque, temple, or building which is used for religious worship and/or related religious activities;

2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; and
the grounds upon which any educational facility is located;

3. Any residential zoning district as defined in the Unified Development Ordinance, except as provided in Subsection C;

4. The property line of a lot devoted to a residential use as defined in the Unified Development Ordinance, except as provided in Subsection C;

C. A Medical Marijuana Cultivation Facility located in an “A” Agricultural District shall not be operated within one thousand (1,000) feet, as measured by Subsection E(2), of the following:

1. Any residential zoning district as defined in the Unified Development Ordinance;

2. The property line of a lot devoted to a residential use as defined in the Unified Development Ordinance.

D. A Facility shall not be operated within a building or structure that contains a residential unit.

E. Calculation of Distance.

1. For the purposes of Subsection B, distance shall be measured as follows:

   a. In the case of a freestanding Facility, the distance between the Facility and property listed in Subsection B shall be
measured from the Facility to the closest point of the property line of the property listed in Subsection B.

b. In the case of a Facility that is part of a larger structure, such as an office building or strip mall, the distance between the Facility and property listed in Subsection B shall be measured from the property line of the property listed in Subsection B to the facility’s entrance or exit closest in proximity to the property line of the property listed in Subsection B.

c. Measurements shall be made along the shortest path between the demarcation points.

2. For the purposes of Subsection C, distance shall be measured as follows:

a. The distance between the Facility and property listed in Subsection C shall be measured from the Facility to the closest point of the property line of the property listed in Subsection C.

b. Measurements shall be made along the shortest path between the demarcation points.

Section 405.5073 Compliance Required for Zoning Confirmation
Any proposed location for a Facility must be in compliance with the provisions of Chapter 405 OSCCMo., including but not limited to Section 405.5071 of this Article, before a Zoning Confirmation may be issued in accordance with Chapter 277 OSCCMo.

Section 405.5074 Sign Requirements; Warnings to be Posted

All signage for a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana Transportation Facility shall comply with the requirements of this code set forth in Sections 405.470-405.490 of the UDO.

Section 405.5075 Violations and Penalties.

A. Misdemeanor. Any person, individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity who violates any provision of this Article shall be guilty of a misdemeanor and shall be punished by a fine of up to one thousand dollars ($1,000) per day for each violation. Each and every day that such violation continues shall constitute a separate offense. The judge(s) presiding over cases prosecuting such violations will set the schedule for fines and any other such punishment allowable under this Article, as the judge(s) may deem appropriate.
B. **Injunction; Actions To Abate.** Nothing in this provision shall be construed to limit the ability of the County or other affected persons to pursue any other remedies available, including a suit for injunction, in order to enforce the provisions of this act or prevent any illegal act, conduct, business, or use in or about the premises.

Section 405.5076 Enforcement

Enforcement of this Article shall be the responsibility of the Director of Community Development. The office of the County Counselor shall be responsible for prosecuting these cases or pursuing other legal remedies for the violations of the ordinance.

Section 7.

This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.
July 29, 2019
DATE PASSED

August 5, 2019
DATE APPROVED BY COUNTY EXECUTIVE

John Whist
CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR