

MEETING DATE: February 28, 2023 **STAFF:** Tom Scannell, Community Development Director

PROJECT NAME: UDO Amendment #56 – Marijuana Facilities

CASE NUMBER / REQUEST: Case 23-175-01 – UDO Amendment #56 – Marijuana Facilities – The City proposes Amendment #56 of the Unified Development Ordinance pertaining to Marijuana Facilities.

APPLICANT: City of Independence

PUBLIC NOTICE:

- Public notice published in Independence Examiner – February 10, 2023

FURTHER ACTION:

Following action by the Planning Commission, this UDO Amendment is scheduled for first reading by City Council on April 5, 2023 and the public hearing/second reading on April 19, 2023.

RECOMMENDATION

Staff recommends **APPROVAL** of the proposed amendment to the Unified Development Ordinance.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION:

The City proposes Amendment #56 to the Unified Development Ordinance (UDO) related to Marijuana Facilities.

BACKGROUND & HISTORY:

On November 8, 2022, the voters of Missouri approved recreational marijuana through a constitutional amendment, known as Amendment 3. This amendment only allows cities to regulate the time, place and manner of these uses provided these regulations cannot be unduly burdensome. The proposed UDO changes are similar to the UDO changes associated with the Medical Marijuana after the passage of Amendment 2 in 2018.

The UDO amendment is organized into four sections. The first amends the definition found in Section 14-201 by adding terms associated with the recreational marijuana amendment. Similar to the Medical Marijuana changes, we added the definitions found in the recreational marijuana Constitutional Amendment.

The next two sections (Section 14-301-03 and 14-302-03) adds the new recreational marijuana uses to the use tables in the office, commercial and industrial districts. Staff placed the new uses in the UDO to line up with similar medical marijuana uses.

The fourth section amends the existing Section 14-421 Medical Marijuana Facilities removing Medical so these regulations would apply to all marijuana facilities, adds security requirements, minimum age requirements, permanent location requirements, paraphernalia and disposal requirements associated with the recreational marijuana amendment. These additions were from the recreational marijuana amendment.

EXHIBITS

1. Amended Section 14-201 General Terms
2. Amended Section 14-301-03 Office and Commercial Use Table
3. Amended Section 14-302-03 Industrial Use Table
4. Amended Section 14-421 Marijuana Facilities