

**BILL #9064
ORDINANCE #9064**

**AN ORDINANCE OF THE CITY OF WEBSTER GROVES, MISSOURI,
AMENDING CHAPTER 53, “ZONING,” BY AMENDING USES
RELATED TO MARIJUANA AND MARIJUANA INFUSED PRODUCTS IN
CODE SECTIONS 53.159, 53.191, 53.192 AND DEFINITIONS IN SECTION 53.020
AND MATTERS RELATED THERETO**

WHEREAS, the City of Webster Groves, Missouri (“City”) has been granted the authority to enact legislation to regulate uses pursuant to its zoning powers established in Chapter 89 of the Missouri Revised Statutes, and additionally pursuant to its general and specific police powers established by statute authorizing the regulations herein to protect the public health, safety, and welfare; and

WHEREAS, consistent with the Constitutional Amendment 2 approved by voters in 2018, the regulations of this Ordinance will not have the effect of prohibiting uses related to the restricted cultivation, production, transportation, and administration of marijuana and marijuana-infused products and do not unreasonably discriminate among functionally equivalent providers of such uses. The regulations also impose reasonable restrictions to protect the public safety and welfare and to ensure opportunities for approval of uses by the City; and

WHEREAS, various new state statutes and regulations continue to be enacted, supplemented, promulgated, and amended regarding regulation of certain communications providers, services, and operations as they pertain to, zoning regulations and other municipal authority; and

WHEREAS, the City Council desires to continue at all times to ensure compliance with applicable law, and, therefore, finds it in the best interest of the public to update its use regulations; and

WHEREAS, text amendments for the uses for marijuana and marijuana-infused products were referred to the City Plan Commission, which studied the recommendations of the Director of Planning and Development and held a duly noticed public hearing at its March 4, 2019 meeting to receive public comment; and

WHEREAS, the City Plan Commission has recommended approval of proposed revisions to the Zoning Code as set forth herein; and

WHEREAS, the City Council gave due notice and held a public hearing on the proposed revisions at City Hall, on Tuesday, March 19, 2019 at 7:30 P.M., where the Council heard and considered comments and suggestions by those present.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES, MISSOURI, AS FOLLOWS:

Section 1. Sections 53.159, 53.191, 53.192 and Section 53.020 “Definitions” are hereby amended as set forth in **Exhibit A** to this Ordinance #9064, a true and accurate copy of which is attached hereto and incorporated herein by this reference.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be printed in the Code of Webster Groves.

Section 4. This Ordinance shall become effective immediately upon passage and approval.

Passed and Approved this ____ day of _____ **2019.**

Mayor

ATTEST:

City Clerk

PART VI. PLANNING

CHAPTER 53. ZONING

ARTICLE I: General Provisions

- Section 53.010. Short Title.
- Section 53.020. Definitions.

ARTICLE IV: Commercial & Industrial Districts

- Section 53.110. "C" Commercial District Regulations.
- Section 53.111. "C" Use Regulations.
- Section 53.112. "C" Parking and Loading Regulations.
- Section 53.113. "C" Dimensional Regulations.
- Section 53.114. "C" Performance Standards
- Section 53.115. Development Standards for Educational Facilities, Colleges and Universities; Hospitals, Clinics and Institutions
- Section 53.116. Development Standards for Day Care and Group Living Uses.
- Section 53.117. Development Standards for Accessory Parking Lots
- Section 53.118. Development Standards for Accessory Structures
- Section 53.119. Development Standards for Drinking Establishments

- Section 53.130. "C1" Commercial District Regulations.
- Section 53.131. "C1" Dimensional Regulations.

- Section 53.140. "D" Commercial District Regulations.
- Section 53.141. "D" Permitted Uses.
- Section 53.142. "D" Parking and Loading Regulations.
- Section 53.143. "D" Dimensional Regulations.
- Section 53.144. "D" Performance Standards
- Section 53.145. Development Standards for Day Care and Group Living Uses
- Section 53.146. Development Standards for Accessory Structures
- Section 53.147. Development Standards for Drinking Establishments

- Section 53.150. "E" Industrial District Regulations.
- Section 53.151. "E" Use Regulations.
- Section 53.152. "E" Parking and Loading Regulations.
- Section 53.153. "E" Dimensional Regulations.
- Section 53.154. "E" Performance Standards.
- Section 53.155. Development Standards for Educational Facilities, Colleges and Universities; Hospitals, Clinics and Institutions
- Section 53.156. Development Standards for Day Care Uses
- Section 53.157. Development Standards for Accessory Parking Lots
- Section 53.158. Development Standards for Accessory Structures

- Section 53.159. Use Table for Commercial, Industrial and Planned Districts

ARTICLE VI: Performance Standards

- Section 53.191. Development Standards for Sexually Oriented Businesses.
- Section 53.192. Development Standards for Small Loan Businesses, Pawnshops, ~~and~~ Tattoo or Body Piercing Establishments, and Medical Marijuana Facilities

CHAPTER 53. ZONING¹

ARTICLE I: General Provisions

Section 53.010. Short Title.

This Chapter shall be known, referred to and recited as the Zoning Code of the City of Webster Groves.

Section 53.020. Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; and the word “shall” is mandatory and not directory. The definitions follow in alphabetical order:

“**Accessory Use - General**” shall mean a use allowed in conjunction with a permitted land use or a conditional land use to the extent expressly allowed by the conditional use permit allowing the conditional land use and when such accessory use is customarily found in conjunction with the primary use, is reasonably necessary and incidental to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use, whether the primary use is a use permitted as a matter of right or granted by a conditional use permit.

“**Body Piercing**” shall mean any method of piercing the skin or mucosa, other than the ear, in order to place an object including but not limited to rings, studs, bars or other forms of jewelry through the skin or mucosa.

“**Campus**” shall mean an area of land located within and zoned as an “EC” District comprised of the aggregate of one or more contiguous lots that are under common ownership and developed for permitted uses, and with such conditional and accessory uses as are otherwise authorized in this Chapter 53.

“**Child Day Care**” shall mean the care of a child away from his/her own home for any part of the twenty-four (24) hour day, for compensation or otherwise. Child Day Care is a voluntary supplement to parent responsibility for the child’s protection, development, and supervision. Child Day Care may be given in a Child Day Care Home or a Child Day Care Center.

“**Child Day Care Center**” is a facility other than the provider’s permanent residence, or separate from the provider’s living quarters, where care is provided for children for any part of the twenty-four (24) hour day.

1 Ordinance 5906, as amended, the Zoning Ordinance of the City of Webster Groves is incorporated in this Code as Chapter 53.

“Child Day Care Facility” is a Child Day Care Home or a Child Day Care Center, whether known or incorporated under another title or name.

“Child Day Care Home” or **“Child Day Nursery”** shall mean in residential and commercial zoning districts, a building or dwelling maintained (the “premises”) by a person who provides or attempts to provide care for more than four (4) but not more than ten (10) children, who are not related to the Day Care provider, at any one time during the daytime for compensation or otherwise; additionally, in residential districts, the owner or lessee of a premises to whom an occupancy permit has been issued shall maintain the Day Care Home premises as his or her permanent residence and shall physically occupy the premises at all times that a premises is used to provide any day care service for unrelated children.

“District” shall mean a section or sections of the City of Webster Groves for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

“Drug Store and Pharmacy, no Drive-thru” shall mean an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

“Drug Store and Pharmacy, Drive-thru” shall mean an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies in part, by means of a window designed to accommodate automobile traffic.

“Educational Facility” shall mean a school or institutional use in varying densities in a building or buildings which can include such accessory uses as administrative or faculty offices, classrooms, laboratories, chapels, auditoriums, cafeterias, gymnasias, theater, lecture halls, libraries, and ancillary facilities for students, faculty and employees associated with each of the following types of uses:

“Educational Facility, Elementary” shall mean a public, private or parochial school use offering instruction at the elementary and/or junior high school levels with a full range of curricular programs.

“Educational Facility, Small College” shall mean an institutional use that is primarily focused on undergraduate education and grants more than half of their baccalaureate degrees in arts and science fields.²

“Educational Facility, University” shall mean an institutional use that typically offers a full range of baccalaureate programs and graduate education through the doctorate degree and may also have research facilities.³

“Educational Facility, School for the Arts” shall mean an institutional use offering instruction and classes in the various arts (e.g. dance, painting, sculpting, singing) that are taught to four or more persons at a time.

² See Carnegie Foundation – “A Classification of Institutions of Higher Education” Liberal Arts Colleges I

³ See Carnegie Foundation – “A Classification of Institutions of Higher Education” Comprehensive Universities and Colleges I and Research Universities II

“Educational Facility, Secondary” shall mean a public, private or parochial school use offering instruction at the senior high school level with a full range of curricular programs.

“Educational Facility, Seminary” shall mean an institutional use that is primarily focused on religious instruction or training members of the clergy and offering degrees in religion.⁴

“Educational Facility, Special Needs” shall mean an institutional use offering instruction at the primary or secondary school levels for students with special needs, behavioral or learning disabilities, or for similar reasons and can have limited dormitory uses.

“Institution” shall mean a building occupied by a non profit corporation or a non profit establishment for public use.

“Manufacturing, Fabrication, Assembly, Processing, or Packaging Facility” shall mean the use of any building, land area, or other premises or portion thereof used for the manufacture, fabrication, assembly, processing, or packaging of goods. This use does not include:

1. Facilities producing or processing explosives or flammable gases or liquids;
2. Facilities for animal slaughtering, meat packing, or rendering;
3. Sulphur plants, rubber reclamation plants, or cement plants;
4. Steel mills, foundries, or smelters;
5. Medical Marijuana Cultivation Facilities; or
6. Medical Marijuana-Infused Products Manufacturing Facilities.

“Marijuana- Infused Products” shall mean 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” shall mean a facility licensed by the State of Missouri 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” shall mean a facility licensed by the Sate of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri 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” shall mean a facility licensed by the State of Missouri to acquire, store, manufacture, transport and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical

⁴ See Carnegie Foundation – “A Classification of Institutions of Higher Education” Professional Schools and Other Specialized Institutions

Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility

“Medical Marijuana Testing Facility” shall mean a facility certified by the State of Missouri to acquire, test, certify and transport marijuana

“**Nursery School**” shall mean a school operated by a person or organization which is conducted primarily for education of preschool-age children for no more than four (4) hours per child per day and which provides no custodial care.

“**Pawn Shop**” shall mean an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

“**Places of Worship**” shall mean a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes church, synagogue, temple, mosque or other such place for worship.

“**Sexually Oriented Business**” shall mean an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, escort agency, semi-nude model studio, or sexual encounter center, as defined in Chapter 41 of the City Code, Licensing and Regulation of Particular Businesses.

“**Small Loan Businesses**” Establishments which (a) engage in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or (b) are registered as lenders under state or federal law. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include establishments selling consumer goods, including consumables, where the cashing of checks or money orders is incidental to the main purpose of the business. This classification does include, but is not limited to check cashing stores, payday loan stores, and car title loan stores.

“**Storage Area**” shall mean all areas within a building used for the storage of goods or materials that are not open to the public, but not including work areas, office space, or the temporary storage of customers’ goods.

“**Tattoo or Body Piercing Establishments**” shall mean any establishment or facility, other than the office of a licensed medical doctor, where the art of tattooing or body piercing is performed.

ARTICLE VI: Performance Standards

Section 53.191. Development Standards for Sexually Oriented Businesses.

- a. No such business or use may be located on a parcel which is within one thousand (1,000) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a ~~church, school, place of worship, educational facility~~ or public park.
- b. No customer entrance for such business may be located closer than one hundred (100) feet, as measured by the Director of Planning and Development or his or her designee, to any property zoned for residential use.
- c. No such business may be located on a parcel of land which is within five hundred (500) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is used for a Child Day Care Center.
- d. No window display or signage, whether temporary or permanent, for such a business may graphically depict or include words referencing any human anatomy, sex toy, or similar instruments, devices, or paraphernalia which is visible from off premises.
- e. No such business or use may be located within two hundred fifty (250) feet, as measured by the Director of Planning and Development or his or her designee, of another sexually oriented business.

Section 53.192 Development Standards for Small Loan Businesses, Pawnshops, ~~and~~ Tattoo or Body Piercing Establishments, and Medical Marijuana Facilities

The establishment of new small loan businesses, pawnshops, ~~and~~ tattoo or body piercing establishments, and medical marijuana facilities shall be consistent with the development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, the following development standards shall apply. The purpose of these provisions is to limit the overconcentration of small loan businesses, pawnshops, ~~and~~ tattoo or body piercing establishments, and medical marijuana facilities within the city by applying minimum distance standards between these uses and other sensitive land uses and ensuring compatibility with surrounding uses by limiting the hours of operation. In addition to the development standards of the underlying zoning district, the following special standards shall apply to all new small loan businesses, pawnshops, ~~and~~ tattoo or body piercing establishments, and medical marijuana facilities:

- a. No such business or use may be located on a parcel which is within one thousand (1,000) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a ~~church, school, place of worship, educational facility~~ or public park.

- b. No such business may be located on a parcel of land which is within five hundred (500) feet, as measured by the Director of Planning and Development or his or her designee, of a parcel of land which is used for a Child Day Care Center.
- c. No new small loan businesses, pawnshops, ~~and~~ tattoo or body piercing establishments, or medical marijuana facility may be located within ~~two~~one hundred fifty ~~(250)~~(150) feet, as measured by the Director of Planning and Development or his or her designee, of another such business.
- d. The hours of operation for small loan businesses, pawnshops, ~~and~~ tattoo or body piercing establishments, and medical marijuana facilities shall be limited to between 8:00 a.m. and 9:00 p.m. daily.
- e. Medical Marijuana Dispensary Facilities proposed within one thousand (1,000) feet of a parcel of land which is owned by a religious institution, educational institution, or the City, and which is occupied by or used as a place of worship, educational facility or public park are permitted under requirements specified in Section 53.170 et. seq.

USE TABLE FOR COMMERCIAL, INDUSTRIAL AND PLANNED DISTRICTS

Uses: P=Permitted; C=Conditional; A=Accessory

* means is allowed with regulations see zoning sections

means allowed per the restrictions of the "E" District

** means can be requested during rezoning for limited use

PC District uses shall be requested from the "C" and "D" permitted and conditional uses during rezoning.

MEC District uses shall be requested from the "EC-1" and "EC-2" uses during the Campus Master Plan approval.

USE GROUP	ZONING DISTRICT AND CATEGORY					
	B2	C	D	E	EC-1	EC-2
RESIDENTIAL						
Single-family dwellings		P			P*	P*
Two-family dwellings		P*				
Multiple-Family dwellings	P		C			
Bed and Breakfast Facility		P*				
Faculty Housing					C	C
Group Home		P*	P*	P*		
Group Residential Facility		P*	P*	P*		
Home Occupation		P*				
Long Term Care Facilities		C*			C*	C*
Residential structures and garages	A	A				
Student Housing					C*	C*
CIVIC						
Public Safety Facilities		P	P	P		
PUBLIC/RECREATIONAL						
Accessory Use parking areas		A		#		
Adult Day Care Center		C*	C*	C		
Adult Day Care Home		C*				
Amusement Place	**	P		#		
Art Gallery	**	P	P	#		
Art Studio	**	P	P	#		
Athletic Fields		C		C	C	C
Athletic Facilities		C		#	C	C
Auditorium				#		P
Banquet Facility		C	C	#		
Cemetery		C		C		
Child Day Care Center		C*	C*	C	C	
Child Day Care Home		C*				
Clinics		C		C		
Community building		C		C		
Dancing Academy	**	P	C	#		
Golf Courses, except miniature courses and driving tees		P		#		
Gymnasium	A	A		#	A	A
Hospitals		C*		C		
Institutions		C*		C		

USE GROUP	ZONING DISTRICT AND CATEGORY					
	B2	C	D	E	EC-1	EC-2
PUBLIC/RECREATIONAL CONTINUED						
Libraries	**	P	P	#		
Nurseries and greenhouses		C		C		
Nursery Schools		C*	C*	C	C	C
Parking Lots		C*	C*	C*	P*	P*
Parking Garage		C	C	#		P*
Parks and playgrounds	P	P	P	#	P	P
Places of Worship		C	C	C	C	C
Post Office	**	P	P	#		
Private clubs and lodges		C	C	C		
Public Buildings		C	C	C		
Recreation facility		P	P	#		
Residential or outpatient facilities for the treatment of alcohol and other drug abuse		C				
OFFICE/COMMERCIAL/SERVICE						
Animal Grooming	**	P	P	#		
Appliance Repair	**	P	P	#		
Automobile Dealership		C		C		
Automotive Detailing		C		#		
Automotive Repair and Services Facility		C		#		
Automotive Retail Supply	**	P	P	#		
Bakery, Retail	**	P	P	#		
Bakery, Wholesale		C	C	#		
Bicycle sales and repair shop	**	P	P	#		
Brewery				#		
Broadcasting Studio	**	P	P	#		
Business and commercial school		P	C	#		
Car Wash		C		#		
Catering establishment	**	P		#		
Coffee Shop, no drive-thru	**	P	C	#		
Coffee Shop, drive-thru		C		#		
Commerical Service Facility	**	P	P	#		
Convenience Store (with gasoline)		C		#		
Convenience Store (without gasoline)	**	P		#		
Dressmaking and Tailoring Establishment	**	P	P	#		
Drinking Establishment		C*	C*	C*		
Drug Store and Pharmacy, no drive-thru	**	P	P	#		
Drug Store and Pharmacy, drive-thru		C		#		
Dry cleaning establishment	**	P	P	#		
Filling station with pumps		C		#		
Financial Institution, no drive-thru	**	P	P	#		
Financial Institution, drive-thru		C		#		
Fruit Stands		C		#		
Grocery	**	P	P	#		

Hotel		P	C			
USE GROUP	ZONING DISTRICT AND CATEGORY					
	B2	C	D	E	EC-1	EC-2
OFFICE/COMMERCIAL/SERVICE CONTINUED						
Industrial Sales and Service		C		#		
Laboratory- professional, scientific				#		
Laundry having a boiler with a steam generating capacity no greater than two thousand five hundred (2,500) pounds of steam per hour		P		#		
Manufacturing, fabrication, assembly, processing, or packing				#		
Medical Marijuana Cultivation Facility				#*		
Medical Marijuana Dispensary Facility		p*				
Medical Marijuana-Infused Products Manufacturing Facility				#*		
Medical Marijuana Testing Facility				#*		
Microbrewery		C*	C*	#		
Mortuary		P	P	#		
Office for the conduct of any lawful business or professional pursuit	**	P		#		
Oil Change Facility		C		#		
Painting and decorating shop	**	P		#		
Pawn Shops		C*		C*		
Personal Services	**	P	P	#		
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility		P		#		
Research facility		P		#		
Restaurant, no drive-thru	**	P	C	#		
Restaurant, drive-thru		C		#		
Retail Sales establishment, no drive-thru	**	P	P	#		
Retail Sales establishment, drive-thru	**	C		#		
Self-Storage facility		C		#		
Sexually Oriented Businesses		p*				
Shoe repair shop	**	P	P	#		
Small Loan Business		C*		C*		
Substance abuse facilities - outpatient		C		#		
Substance abuse facilities - inpatient		C				
Tattoo or Body Piercing Establishments		C*		C*		
Theater, Indoor				#		P
Upholstering shop, not involving any furniture manufacturing	**	P		#		
Veterinary Clinic	**	P	P	#		
Warehouse, general				#		
EDUCATIONAL						
Educational Facility, Elementary		P			P	P
Educational Facility, School for the Arts	**	P	C	#	P	P
Educational Facility, Secondary		P			P	P
Educational Facility, Seminary					P	P

USE GROUP	ZONING DISTRICT AND CATEGORY					
	B2	C	D	E	EC-1	EC-2
Educational Facility, Special Needs					P	P
Educational Facility, Small College					P	P
Educational Facility, University					P*	P
EDUCATIONAL CONTINUED						
Student Bookstore						P
Student Union						P
UTILITIES						
Accessory Utility Facilities that are not authorized without a conditional use permit under the provisions of Section 53.220		C*	C*	C*		
Radio and Television Towers and Antennas in excess of forty (40) feet in height		C				
Wireless telecommunications towers, facilities, antenna arrays, appurtenances and related structures including but not limited to television, radio, voice, data and video transmissions				C*		