

BILL NO. 2730

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BELLEFONTAINE NEIGHBORS,
MISSOURI, ESTABLISHING SECTION 29.127 OF THE CITY OF
BELLEFONTAINE NEIGHBORS, MISSOURI, ZONING CODE RELATING TO
RECREATIONAL MARIJUANA AND RELATED USES AND ADDING CERTAIN
FEES AND CONDITIONS RELATING TO SAME.**

WHEREAS, “Recreational Marijuana Dispensaries” are licensed and regulated by the State of Missouri, Missouri Constitution, applicable statutes enacted by the General Assembly, and regulations promulgated by the Missouri Department of Health and Senior Services, and the purpose of this Ordinance is to protect the health, safety, and welfare of the residents, businesses, and property owners in the City;

WHEREAS, on November 8, 2022, Missouri Voters passed Amendment 3, amending the Missouri Constitution legalizing recreational marijuana;

WHEREAS, Amendment 3 allows for recreational marijuana use for individuals over the age of 21. The Amendment allows individuals over the age of 21 to purchase and possess up to three (3) ounces of marijuana, without any other restrictions. Further, it allows for individuals to grow up to six (6) flowering marijuana plants, six (6) nonflowering marijuana plants, and six (6) clones, provided the individual is registered with the Missouri Department of Health and Senior Services for cultivation of marijuana plants;

WHEREAS, on June 9, 2025, the Planning Commission reviewed and considered an application filed by Alderwoman Alease Dailes, pursuant to section 29-112(a) of the City Code to create and adopt Section 29-127 of the Zoning code to allow for the commercial sale of Recreational Marijuana;

WHEREAS, the City Planning Commission has made its recommendation that such adoption to the Zoning code not occur; and

WHEREAS, the City Clerk properly published a notice of public hearing which was held August 7, 2025; and

WHEREAS, the Board of Alderpersons; has reviewed the recommendation of the Planning Commission and held a Public Hearing, on August 7, 2024, determining that the proposed enactment and adoption of section 29.127 of the city zoning code is appropriate.

NOW THERE, BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BELLEFONTAINE NEIGHBORS, MISSOURI, AS FOLLOWS:

Section 1. Section 29.172- “Recreational Cannabis/Marijuana” is hereby adopted and shall state as follows:

29.172(A). Recreational Marijuana Dispensary: A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana for recreational purposes to adults that are 21 years of age or older. Any business and/or dispensary under this section shall allow individuals over the age of 21 to purchase and possess up to three (3) ounces of marijuana, without any other restrictions. Further, it allows for individuals to grow up to six (6) flowering marijuana plants, six (6) nonflowering marijuana plants, and six (6) clones, provided the individual is registered with the Missouri Department of Health and Senior Services for cultivation of marijuana plants.

(B). The following zoning districts shall be amended to allow a “Recreational Marijuana Dispensary” as a “Permitted/Conditional Use”: Article XII, section 29-71 of the City of Bellefontaine Neighbors Zoning Code.

(C) Any Recreational Marijuana Dispensary and/or Manufacturing and/or Testing Facility permitted by the City is subject to the following conditions:

1. Any Recreational Marijuana Dispensary and/or Manufacturing and/or Testing Facility shall be subject to the parking requirements and fees referenced for all commercial buildings in the City of Bellefontaine Neighbors Municipal Code.
2. No marijuana related use, activity or facility shall emit an odor or in any way cause a public nuisance as defined under the City of Bellefontaine Neighbors Municipal Code. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises or other changes to the facilities can be required if a public nuisance violation occurs.
3. No more than a total of two (2) Recreational Marijuana Dispensary Facilities will be allowed within the City Limits unless otherwise permitted through the Conditional Use Permit Process.
4. No loitering will be permitted at any facility.
5. No marijuana or marijuana-infused product shall be displayed to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a Facility.
6. Paraphernalia as referenced in section 215.540, excluding (l)f of the Revised Statutes of Missouri, as may be amended, may be lawfully sold at a Recreational Marijuana Dispensary Facility. Such items may not be publicly displayed and may be sold, displayed and provided only to patients or primary caregivers of patients.

7. The sale or consumption of alcohol within a Facility is prohibited.
8. No person under the age of eighteen (18) shall be allowed in any portion of a Recreational Marijuana Facility. The entrance to a Facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.
9. No recreational marijuana facility shall be permitted within 750 feet of any school and/or church.
10. The consumption, inhalation or other personal use of marijuana or marijuana-infused products on or within the premises is prohibited and no individual may purchase from the business and/or dispensary more than three (3) ounces of marijuana at any point of sale within a 24-hour period.
11. Maximum Hours of Operation: Dispensary Facilities are limited to the following hours of operation: 8:00 a.m. to 7:00 p.m. Monday through Friday. 10:00 a.m. – 5:00 p.m. Saturday, Sunday and shall be closed on federally recognized holidays. Testing Facilities are limited to the following hours of operation: 8:00 a.m. to 6:00 p.m. Monday through Friday and shall be closed on federally recognized holidays.
12. Security Plans. All buildings/facilities contemplated under this section shall provide adequate security on the premises including, but not limited to, the following:
 - A. 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 and be made available to law enforcement officers upon demand.
 - B. Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.
 - C. Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
 - D. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the Facility at all times.
 - E. Emergency Contact. Each Facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the City may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the Licensee to keep up to date the contact information of the Facility employee.

13. Operating Plans. As a condition of processing of a business license application, a Facility operator shall provide at the time of filing the business license application a detailed operations plan and, upon issuance of a license, shall operate the Facility in accordance with the plan. Such plan shall include:

A. Floor Plan. A plan showing the layout of the Facility and the principal uses of the floor area depicted. A Marijuana Dispensary Facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing marijuana to qualified consumers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways. All storage areas shall be shown and labeled.

B. Odor Controls. A Facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a Facility. Such plan shall describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor of marijuana or fumes from leaving the premises of a Facility or other changes to a Facility may be required to abate a public nuisance.

C. Each Facility shall at all times possess a current City business license. By obtaining a City business license, the Facility Licensee irrevocably consents to the immediate closure and cessation of operation of the Facility in addition to all other penalties or remedies available by law for the failure to possess a current City business license.

D. It shall be unlawful for any person to distribute, transmit, give, dispense or otherwise provide medical marijuana as a home occupation.

E. No marijuana dispensary facility shall be operated within the City without a valid license issued by the Missouri Department of Health and Senior Services. No marijuana or marijuana-infused products shall be acquired, certified, delivered, processed, sold, stored, tested, or transported within the City, except by persons or entities licensed for such purposes by the Missouri Department of Health and Senior Services.

F. Application Review Process:

1. Site review permit. This preliminary permit reviews the proposed marijuana related use for compliance with the City's zoning and location standards prior to issuance of State license. A draft of proposed security and floor plans should also be provided. Site review approval shall expire, and be of no effect, one (1) year after the date of issuance thereof.
2. Business license. Once State licensing has been received, the business license shall include all relevant State approvals and approved operating plans and security plans.
3. Occupancy permit. Once a business license and site review permit is obtained, the applicant shall apply for an occupancy permit.

G. Location(s) of Facilities. No marijuana dispensary and/or facility

(D) Any recreational marijuana dispensary facility, shall be subject to the license requirements and fees referenced in Chapter 15 of the City of Bellefontaine Neighbors Municipal Code however, the fee schedule approved by the City of Bellefontaine Neighbors Board of Alderpersons is hereby amended to add the additional services and fees:

1. Site review permit (Marijuana related use): \$500.00
2. Business license (Marijuana related use): \$500.00

(E) Any recreational marijuana dispensary facility obtaining a license to conduct business within the City of Bellefontaine Neighbors, Missouri, in addition to the State 6% excise tax on the retail of recreational marijuana shall be subject to an additional local sales tax of 3% excise tax as passed by the voters of the City of Bellefontaine Neighbors.

Section 2. This ordinance shall be in full force and effect from and after its passage by the Board of Alderpersons and Approval by the Mayor.

Passed and Approved this ____ day of _____, 2025.

**Mayor
James Thomas**

Attest:

**City Clerk
Denise Johnson**