



DOWNTOWN REVIEW BOARD

MEETING AGENDA

Wednesday, January 25th, 2023 – 4:00 p.m.

City Hall, 903 W. Main Street
Community Development Conf. Room 128

1 CALL TO ORDER

A. November 22, 2022 - Meeting Minutes

3 REVIEW OF PROJECT APPLICATIONS

A. DRB-01-23-8613 / UDCT-01-23-8609 / “Marijuana UDC Amendment”

The proposed UDC Text Amendments are necessary to update the City’s requirements because of the recent changes to State law regarding recreational marijuana.

4 OTHER BUSINESS

5 ADJOURN

<p>If special accommodations are required for citizen participation in this meeting, PLEASE CALL 228-0207 (VOICE) OR 228-0250 (TDD)</p>
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Agenda posted at the following locations:
City Hall, 903 W. Main Street
City’s website

<http://www.bluespringsgov.com/AgendaCenter>

January 24, 2022

A quorum of the City Council may be in attendance however no City Council votes will be taken.
Community Development



**City of Blue Springs
903 W. Main
Blue Springs, Missouri 64015**

**Downtown Review Board
MINUTES
Tuesday, November 22, 2022**

A meeting of the Downtown Review Board of the City of Blue Springs was held in the City Hall Development Conf. Room 128, located at 903 W. Main Street on Tuesday, November 22, 2022, with the following members, guests and staff in attendance.

ATTENDANCE

Jennifer Hauschild, DTA
Jason Ellis, Chairperson
Jaime Russell, Vice Chair
Mitchell Peil

STAFF/OTHERS

Cara Elbert, Asst. Dir., Com Dev
Mike Mallon, Comm. Dev. Dir
Adam Hilgedick, Asst. Dir, PW
Aliyah Kincade, Recording Secretary
Jamarcus Magee, Associate Planner, Comm. Dev.
Galen Ericson, Council, Dist. 1
Kent Edmondson, Council Dist. 2

ABSENT

Tom Rohr
Sarah Carnes, City Attorney

**CALL TO ORDER
ROLL CALL**

Chairperson Jason Ellis, called the meeting to order at 5:00 p.m.

CONSENT AGENDA

Chairperson Ellis requested action on the Consent Agenda with a motion by Board Member Jennifer Hauschild to approve, a second from Board Member Mitchell Peil and a unanimous vote, the Minutes from November 2, 2022.

AGENDA ITEM 2A

DRB-11-22-8547 / “The Springs Downtown” / 1101 W Main Street / Storefront façade update

Jamarcus Magee, Associate Planner, presents the requests to the Board.

QUESTIONS

Board Member Hauschild questions if the front will be brick and what color.

The applicant describes some additional modifications due to structural issues and the issues are resolved.

Jamarcus confirms the front will be brick.

MOTION

DRB-11-22-8547 / “The Springs Downtown” / 1101 W Main Street / Storefront façade update

Jennifer Hauschild moved to approved DRB-11-22-8547 / “The Springs Downtown” / 1101 W Main Street / Storefront façade update.

SECONDED

Jaime Russell seconded.

VOTE

Jennifer Hauschild - Aye
Mitchel Peil- Aye

Jaime Russell- Aye
Jason Ellis, Chairperson - Aye

(APPROVED 4-Aye, 0-No)

AGENDA ITEM 2B

DRB- 11-22-8548 / “The Dwellings” / 106 NW 9th Street & 110 SW 9th Street / Build four 8-plex multi-family units

Jamarcus Magee, Associate Planner, presents the requests to the Board.

QUESTIONS

Board Member Peil questions about the HPC previous denial and Jamarcus explains the denial was only for a house demolition and not this project.

Board Member Peil further inquires about the plan and two foot curb.

Adam Hilgedick and the applicant discuss this in detail.

Board Member Peil then questions about the developments snow action plan.

The applicant believes the snow will be removed from the site.

MOTION

DRB-11-22-8548/ 106 NW 9th Street & 110 SW 9th Street / Build four 8-plex multi-family units

Jennifer Hauschild moved to approved DRB-11-22-8548/ 106 NW 9th Street & 110 SW 9th Street / Build four 8-plex multi-family units.

SECONDED

Jaime Russell seconded.

VOTE

Jennifer Hauschild - Aye
Mitchel Peil- Aye

Jaime Russell- Aye
Jason Ellis, Chairperson - Aye

(APPROVED 4-Aye, 0-No)

OTHER BUSINESS

None.

MEETING ADJOURN

With no further discussion, a motion was made by Board Member Jennifer Hauschild nto adjourn at 5:10 p.m. Seconded by Board Member Mitchell Peil.

Respectfully Submitted by,
Aliyah Kincade, Recording Secretary

Jason Ellis, Chairperson

Date

DOWNTOWN REVIEW BOARD STAFF REPORT



Meeting Dates:	Downtown Review Board: January 25, 2023
Project Request:	UDC Text Amendment Marijuana

Applicant: City of Blue Springs
Property Owner: N/A
Staff Planner: Mike Mallon, Director Community Development

Project Description: Proposed UDC Amendments in response to Amendment No. 3 from November 2022 that makes recreational marijuana legal in Missouri.

On November 6, 2018 the voters of the State of Missouri approved Article XIV of the Constitution of the State of Missouri (“Amendment 2”), an Amendment which legalized medical marijuana within the State, and Amendment 2 took effect on December 6, 2018. The Unified Development Code (UDC) was amended by City Council through Ordinance No. 4826 on May 20, 2019; Ordinance No. 4829 on June 3, 2019; and Ordinance No. 4839 on July 1, 2019 to adopt the initial regulation for the zoning, land use, and development standards related to medical marijuana uses and facilities, including in the Downtown Zoning District. In the Downtown Zoning District, Medical Marijuana Dispensary and Medical Marijuana Testing Facilities are permitted in the mixed-use and commercial building types.

On November 6, 2022 the voters of the State of Missouri approved amending the Constitution of the State of Missouri (“Amendment 3”), an Amendment which legalized recreational marijuana within the State, and Amendment 3 took effect on December 8, 2022. As a result, additional UDC amendments are necessary to update the City’s requirements as a result of the recent changes to State law regarding recreational marijuana.

The proposed UDC Text Amendments remove to the term “Medical” from references to Marijuana land uses; however, all of the other regulations that previously applied to Medical Marijuana land uses are proposed to still be applied for the new Marijuana land uses. In the Downtown Zoning District, Marijuana Dispensary and Marijuana Testing Facility are proposed to be permitted in mixed-use and commercial building types

UDC Text Language:

Section 5. That Section 404.240, Downtown Development Code. of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

E. Permitted Uses And Uses Allowed By Conditional Use. Within the area covered by the DDC, a wide variety of uses and structures, from residential to commercial, are allowed or allowed by conditional use. All conditional uses and structures must be approved by the Downtown Review Board. Structures shall be regulated by T-Zone.

1. Uses permitted in mixed-use and commercial building types:

- (jj) ~~Medical m~~ Marijuana dispensary.
- (kk) ~~Medical m~~ Marijuana testing facility.

Introduced by Councilmember _____

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS AND SUBSECTIONS OF TITLE IV, CHAPTER 401-411, UNIFIED DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF BLUE SPRINGS TO AMEND AND ADOPT REGULATIONS RELATED TO RECREATIONAL MARIJUANA

WHEREAS, The City of Blue Springs adopted a Unified Development Code (UDC) in 1996 by passage of Ordinance No. 2738 on November 18, 1996, and readopted an amended Unified Development Code on August 3, 2015, by passage of Ordinance No. 4558; which has been further amended for maintenance purposes, as well as to respond to changing development patterns and keep up to date with current trends; and

WHEREAS, City staff is committed to bringing forward amendments to the UDC as needed; and

WHEREAS, on November 6, 2018 the voters of the State of Missouri approved Article XIV of the Constitution of the State of Missouri ("Amendment 2"), an Amendment which legalized medical marijuana within the State; and

WHEREAS, Amendment 2 took effect on December 6, 2018; and

WHEREAS, the Council passed UDC amendments through Ordinance No. 4826 on May 20, 2019; Ordinance No. 4829 on June 3, 2019; and Ordinance No. 4839 on July 1, 2019 to adopt the initial regulation for the zoning, land use, and development standards related to medical marijuana uses and facilities ; and

WHEREAS, on November 6, 2022 the voters of the State of Missouri approved amending the Constitution of the State of Missouri ("Amendment 3"), an Amendment which legalized recreational marijuana within the State; and

WHEREAS, Amendment 3 took effect on December 8, 2022; and

WHEREAS, additional UDC amendments are necessary to update the City's requirements as a result of the recent changes to State law regarding recreational marijuana; and

WHEREAS, the City Council is elected to promote the community's health, safety, and welfare, which duty includes proper planning and ordinances designed to provide for a coordinated development of the City and the reduction of conflicting use to promote the general welfare; and,

WHEREAS, the Council recognizes that there are impacts to the community from the sale, cultivation, testing, and distribution of recreational and medical marijuana; and

WHEREAS, the Development Advisory Commission recommend the approval of amendments to the Unified Development Code; and

WHEREAS, the Planning Commission held a public hearing and, after discussion, recommends to the City Council the language set forth below; and

WHEREAS, after due notice, public hearings were held before the Planning Commission at its February 2023, meeting and before City Council at its March 2023 meeting; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, as follows:

NOTE: LANGUAGE TO BE ADDED IS UNDERLINED. LANGUAGE TO BE DELETED IS SHOWN AS STRICKEN. Sections and Subsections not set out herein are not amended or changed.

Section 1. That Section 405.050 Special Use Standards of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 405.050. Special Use Standards.

A. The special use standards of this Section shall apply to permitted, conditional and accessory uses, as noted. Exceptions to these standards may only be considered for approval through the conditional use permit process under Section **403.060**, if the City, at its' sole discretion, determines that sufficient evidence exists demonstrating that the exceptions to the standards are warranted due to unique physical or operational aspects of the use, and that strict application of these special use standards is inappropriate or impractical for a certain use in a specific situation and would create unforeseen practical difficulties for the property owner, and there will be no ill effects detrimental to the public health, safety, welfare, or public interest.

27. ~~Medical m~~Marijuana Dispensary. ~~Medical m~~Marijuana dispensaries shall be subject to the following standards and requirements. No building shall be constructed, altered, or used for a ~~medical~~ marijuana dispensary without complying with the following regulations:

a. ~~Medical m~~Marijuana dispensary facilities shall comply with Section **407.050**, Operation And Performance.

b. Buffer Requirement. No ~~medical~~ marijuana business shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day-care center, or church.

(1) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

(2) 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 the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school,

daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

(3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(4) For purposes of this Section the term “church” shall be defined as it is defined under 19 CSR 30-95.010 Definitions.

- c. Outdoor Operations Or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~medical~~ marijuana business.
- e. Hours Of Operation. All ~~medical~~ marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 8:00 P.M. and 8:00 A.M.
- f. Display Of Licenses Required. The ~~medical~~ marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- g. Residential Dwelling Units Prohibited. No ~~medical~~ marijuana business shall be located in a building that contains a residence.
- h. Ventilation Required. All ~~medical~~ marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
- i. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section **403.070**, Site Plan And Design Review. The site plan shall include a description of the ventilation system to be used to contain odors within the building.
- j. All facilities shall comply with the video surveillance requirements of Section **610.270** or as otherwise determined by the State regulations.
- k. Architecture. Any new development, building addition or exterior renovation for a ~~medical~~ marijuana use or facility shall comply with Section **407.090**, Non-Residential Design. Exterior building facades shall be designed with high-quality materials to be complementary to the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to, using similar or better-quality and complementary materials, colors or design details and using similar or complementary building shapes and/or forms.

28. ~~Medical~~ Marijuana Cultivation Facility. ~~Medical~~ marijuana cultivation facilities shall be subject to the following standards and requirements. No building shall be constructed,

altered, or used for a ~~medical~~ marijuana cultivation facility without complying with the following regulations:

- a. ~~Medical m~~Marijuana cultivation facilities shall comply with Section **407.050**, Operation and Performance.
- b. Buffer Requirement. No ~~medical~~ marijuana business shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day-care center, or church.
 - (1) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (2) 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 the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 - (4) For purposes of this Section the term "church" shall be defined as is defined under 19 CSR 30-95.010 Definitions.
- c. Outdoor Operations Or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~medical~~ marijuana business
- e. Hours Of Operation. All ~~medical~~ marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 8:00 P.M. and 8:00 A.M.
- f. Display Of Licenses Required. The ~~medical~~ marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- g. Residential Dwelling Units Prohibited. No ~~medical~~ marijuana business shall be located in a building that contains a residence.
- h. Ventilation Required. All ~~medical~~ marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell

outside the boundary of the parcel on which the facility is located.

- i. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section **403.070**, Site Plan And Design Review. The site plan shall include a description of the ventilation system to be used to contain odors within the building.
 - j. All facilities shall comply with the video surveillance requirements of Section **610.270** or as otherwise determined by the State regulations.
 - k. Architecture. Any new development, building addition or exterior renovation for a ~~medical~~ marijuana use or facility shall comply with Section **407.090**, Non-Residential Design. Exterior building facades shall be designed with high-quality materials to be complementary to the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to, using similar or better-quality and complementary materials, colors or design details and using similar or complementary building shapes and/or forms.
29. ~~Medical~~ Marijuana Testing Facility. ~~Medical m~~Marijuana testing facilities shall be subject to the following standards and requirements. No building shall be constructed, altered, or used for a ~~medical~~ marijuana testing facility without complying with the following regulations:
- a. ~~Medical m~~Marijuana testing facilities shall comply with Section **407.050**, Operation And Performance.
 - b. Buffer Requirement. No ~~medical~~ marijuana business shall be located within three hundred (300) feet of an existing elementary or secondary school, licensed child day-care center, or church.
 - (1) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (2) 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 the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 - (4) For purposes of this Section the term "church" shall be defined as is defined under

19 CSR 30-95.010 Definitions.

- c. Outdoor Operations Or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
 - d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~medical~~ marijuana business.
 - e. Hours Of Operation. All ~~medical~~ marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 8:00 P.M. and 8:00 A.M.
 - f. Display Of Licenses Required. The ~~medical~~ marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - g. Residential Dwelling Units Prohibited. No ~~medical~~ marijuana business shall be located in a building that contains a residence.
 - h. Ventilation Required. All ~~medical~~ marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
 - i. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section **403.070**, Site Plan And Design Review. The site plan shall include a description of the ventilation system to be used to contain odors within the building.
 - j. All facilities shall comply with the video surveillance requirements of Section **610.270** or as otherwise determined by the State regulations.
 - k. Architecture. Any new development, building addition or exterior renovation for a ~~medical~~ marijuana use or facility shall comply with Section **407.090**, Non-Residential Design. Exterior building facades shall be designed with high-quality materials to be complementary to the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to, using similar or better-quality and complementary materials, colors or design details and using similar or complementary building shapes and/or forms.
30. ~~Medical m~~Marijuana-Infused Products Manufacturing Facility. ~~Medical m~~Marijuana-infused products manufacturing facilities shall be subject to the following standards and requirements. No building shall be constructed, altered, or used for a ~~medical~~ marijuana-infused products manufacturing facility without complying with the following regulations, in addition to all applicable provisions of the UDC for the development and improvement of property:
- a. ~~Medical m~~Marijuana-infused products manufacturing facilities shall comply with Section **407.050**, Operation And Performance.

- b. Buffer Requirement. No ~~medical~~ marijuana business shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day-care center, or church.
- (1) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (2) 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 the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 - (4) For purposes of this Section the term "church" shall be defined as is defined under 19 CSR 30-95.010 Definitions.
- c. Outdoor Operations Or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~medical~~ marijuana business.
- e. Hours Of Operation. All ~~medical~~ marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 8:00 P.M. and 8:00 A.M.
- f. Display Of Licenses Required. The ~~medical~~ marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- g. Residential Dwelling Units Prohibited. No ~~medical~~ marijuana business shall be located in a building that contains a residence.
- h. Ventilation Required. All ~~medical~~ marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
- i. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section **403.070**, Site Plan and Design. The site plan shall include a description of the ventilation system to

be used to contain odors within the building.

- j. All facilities shall comply with the video surveillance requirements in Section **610.270** or as otherwise determined by the State regulations.
- k. Architecture. Any new development, building addition or exterior renovation for a ~~medical~~ marijuana use or facilities shall comply with Section **407.090** Non-Residential Design. Exterior building facades shall be designed with high- quality materials to be complementary to the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to, using similar or better-quality and complementary materials, colors or design details and using similar or complementary building shapes and/or forms.

31. ~~Medical~~ Marijuana Uses. ~~Medical m~~Marijuana uses, not including transportation facilities, dispensary, testing facilities, marijuana-infused products manufacturing, and cultivation facilities shall be subject to the following standards and requirements. No building shall be constructed, altered, or used for a ~~medical~~ marijuana use without complying with the following regulations:

- a. All ~~medical~~ marijuana uses shall comply with Section **407.050**, Operation And Performance.
- b. Buffer Requirement. No ~~medical~~ marijuana business shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day-care center, or church.
 - (1) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (2) 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 the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 - (4) For purposes of this Section the term "church" shall be defined as is defined under 19 CSR 30-95.010 Definitions.
- c. Outdoor Operations Or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

- d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~medical~~ marijuana business.
 - e. Hours Of Operation. All ~~medical~~ marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 8:00 P.M. and 8:00 A.M.
 - f. Display Of Licenses Required. The ~~medical~~ marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - g. Residential Dwelling Units Prohibited. No ~~medical~~ marijuana business shall be located in a building that contains a residence.
 - h. Ventilation Required. All ~~medical~~ marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
 - i. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section **403.070**, Site Plan and Design Review. The site plan shall include a description of the ventilation system to be used to contain odors within the building.
 - j. All facilities shall comply with the video surveillance requirements of Section **610.270** or as otherwise determined by the State regulations.
 - k. Architecture. Any new development, building addition or exterior renovation for a ~~medical~~ marijuana use or facilities shall comply with Section **407.090**, Non-Residential Design. Exterior building facades shall be designed with high- quality materials to be complementary to the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to, using similar or better-quality and complementary materials, colors or design details and using similar or complementary building shapes and/or forms.
32. ~~Medical~~ Marijuana Transportation Facility. ~~Medical m~~Marijuana transportation facilities shall be subject to the following standards and requirements. No building shall be constructed, altered, or used for a ~~medical~~ marijuana use without complying with the following regulations.
- a. All ~~medical~~ marijuana uses shall comply with Section **407.050**, Operation and Performance.
 - b. Buffer Requirement. No ~~medical~~ marijuana business shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day care center, or church.
 - (1) In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is

part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.

- (2) 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 the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 - (3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 - (4) For purposes of this Section the term "church" shall be defined as is defined under 19 CSR 30-95.010, Definitions.
- c. Outdoor Operations Or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
 - d. On-Site Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~medical~~ marijuana business.
 - e. Hours Of Operation. All ~~medical~~ marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 8:00 P.M. and 8:00 A.M.
 - f. Display Of Licenses Required. The ~~medical~~ marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - g. Residential Dwelling Units Prohibited. No ~~medical~~ marijuana business shall be located in a building that contains a residence.
 - h. Ventilation Required. All ~~medical~~ marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
 - i. Site Plan Review Required. A site plan meeting the requirements of this Title shall be submitted for review and approval subject to the procedures of Section **403.070**, Site Plan and Design Review. The site plan shall include a description of the ventilation system to be used to contain odors within the building.
 - j. All facilities shall comply with video surveillance requirements in Section **610.300** or as otherwise determined by the State regulations.
 - k. Architecture. Any new development, building addition or exterior renovation for a ~~medical~~ marijuana use or facilities shall comply with Section **407.090**, Non-Residential Design Standards. Exterior building facades shall be designed with high-quality

materials to be complementary with the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this, include, but are not limited to, using similar or better-quality and complementary materials, colors or design details and using similar or complementary building shapes and/or forms.

33. ~~Medical Marijuana Warehouses. Medical m~~Marijuana warehouses as described under 19 CSR 30-195.040 shall be subject to the same standards as the associated ~~medical marijuana use listed in Section 405.050(A)~~. All warehouses associated with ~~medical marijuana uses~~ are subject to the zoning requirements as listed in the Table 405.030-1, Use Table and permitted only in Storage—residential warehouse and Storage—warehouse/wholesale uses.

Section 2. That Section 411 Interpretation of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Section 411.010. General Interpretation.

Section 411.030. Use Groups And Description Of Uses.

A. This Section contains general descriptions associated with the use of land and buildings. The uses are grouped into general use groups that correspond with the Land Use Policy of the Comprehensive Plan. Specific uses are listed under each group which may relate to more detailed guidance of plans or have specific limitations or standards in these regulations. Where a proposed use appears to meet the description of more than one (1) use, or is not described in this Section, the Director shall make an interpretation on the most similarly described use considering: (1) the intensity and scale of the proposed use or proposed building type relative to site; (2) the typical site and building type designs associated with the use from existing examples; (3) the functional and operational characteristics of the use and potential impacts on adjacent property; and (4) the potential contribution of the use, and typical site and building type designs to the character and intent of the district. Any use that may not be interpreted as relatively equivalent to one described in this Section is not anticipated by these regulations and may only be allowed by a text amendment. Uses that are more specifically described shall not also be considered to be part of a more general use description, unless the context demonstrates a different intent. For example, grocery store shall not be considered one (1) of the more general retail uses.

5. Retail/Commercial Use Group. This use group provides businesses engaged in the retail sale or rental of goods, products, and associated services to the general public, where frequent interaction with customers, patrons, or the general public occurs on site.

MEDICAL MARIJUANA DISPENSARY

A facility licensed by the Missouri Department of Health and Senior Services 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.~~

7. Industrial Use Group. This use group provides the handling or production of noxious, offensive or dangerous materials, where things are done at a large scale or which have potential negative impacts on adjacent property through noise, vibration, smoke or fumes, outdoor operation or storage of materials and equipment, and frequent or commercial and larger truck access.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the Missouri Department of Health and Senior Services 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-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the Missouri Department of Health and Senior Services 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. [Ord. No. 4826, 5-20-2019]~~

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the Missouri Department of Health and Senior Services to acquire, test, certify, and transport marijuana.

MEDICAL MARIJUANA TRANSPORTATION FACILITY

A facility certified by the Missouri Department of Health and Senior Services 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.~~

Section 411.040. Glossary.

All terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the purposes and intent statements or specific definitions in these regulations.

MARIJUANA

As defined in 19 CSR 30-95.010 Definitions.

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 USE

The production, consumption, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia ~~used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.~~

Section 3. That Section 404.200. ADP-O, Adams Dairy Parkway Overlay District of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

Chapter 404. Zoning District Regulations Article III. Special Purpose Zoning Districts

Section 404.200. ADP-O, Adams Dairy Parkway Overlay District.

- A. District regulations apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the Adams Dairy Parkway Corridor. In case of conflict between the ADP-O regulations of this Section and other regulations in this Development Code, the ADP-O regulations of this Section shall control. Where no special ADP-O regulation is stated, the regulations of the underlying base zoning shall control.
 - 1. Residential Zoning Districts. Properties zoned SF-12, SF-7, TF, MF-10, MF-14 or MF-18 shall be developed as planned development in accordance with the PR-O District, the procedures of Section **403.040** and the regulations of Section **404.180**. Except that in the ADP-O all buildings, paving area or parking areas shall be setback at least fifty (50) feet from the Adams Dairy Parkway right-of-way. No fence or wall shall extend into this area, and it may be incorporated into the open space system required by the PR-O and Section **406.030**.
 - 2. Non-Residential Zoning. Properties with the underlying zoning of NB, SO, GB, and LI shall comply with the following additional standards, except that ~~medical~~ marijuana uses as defined in Section **411.030** and identified in the Land Use Table 405.030-1 shall not be classified as a conditional use subject to discretionary review in the ADP-O and shall be permitted per the Land Use Table and underlying zoning district.

Section 4. That Section 405.030-1: Use Table of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

	Residential Zoning Districts	Non-Residential Zoning Districts
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Uses	RE	SF-12	SF-7	TF	MF-10	FM-14	MF-18	N-L	N-O	NB	SO	GB	RC	LI	HI	PLOS
Retail/Commercial																
Medical mMarijuana dispensary												■	■			
Service/Entertainment																
Medical mMarijuana - infused products														■	■	
mMarijuana facility																
Medical mMarijuana testing facility												■	■	■	■	
Medical mMarijuana transportation facility													■	■	■	
Medical mMarijuana cultivation facility														■	■	

DRAFT

Section 5. That Section 404.240, Downtown Development Code. of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

E. Permitted Uses And Uses Allowed By Conditional Use. Within the area covered by the DDC, a wide variety of uses and structures, from residential to commercial, are allowed or allowed by conditional use. All conditional uses and structures must be approved by the Downtown Review Board. Structures shall be regulated by T-Zone.

1. Uses permitted in mixed-use and commercial building types:

(jj) ~~Medical m~~ Marijuana dispensary.

(kk) ~~Medical m~~ Marijuana testing facility.

Section 6. That this Ordinance shall be in full force and effect from and after its passage and approval.

Section 7. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator without the need to come before the City Council.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this __ day of _____ 2023.

CITY OF BLUE SPRINGS

Carson Ross, Mayor

ATTEST:

Sheryl Morgan, City Clerk

1st Reading: _____

2nd Reading: _____