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Community Development Conference Room 128  
City Hall  
903 W. Main Street

**DEVELOPMENT ADVISORY COMMISSION**  
**MEETING AGENDA**

**Thursday, January 26, 2023- 10:00 a.m.**

**Board Members please call 816-228-0211 if unable to attend**

**1 CALL TO ORDER**

A. Minutes – October 14, 2022

**2 REVIEW OF PROJECT APPLICATIONS**

A. UDC Text Amendments (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.

**3 OTHER BUSINESS**

**4 ADJOURN**

If special accommodations are required for citizen participation in this meeting,  
**PLEASE CALL 816-228-0207 (VOICE) OR 816-228-0250 (TDD)**

Agenda posted at the following locations:

City Hall, 903 W. Main Street

City's website

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

January 25, 2023

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 Main Street  
Blue Springs, Missouri 64015**

**Development Advisory Commission  
MINUTES  
Friday, October 14, 2022**

A meeting of the Development Advisory Commission of the City of Blue Springs was held in City Hall Development Room 128 located at 903 W. Main Street on Friday, October 14, 2022 with the following members and guests in attendance.

<b>MEMBERS PRESENT</b>	Travis Graham, Chair Orion Berridge, Vice Chair Travis Hagedwood Chase Rosher (arrived 10:07 am) Bob Frost
<b>MEMBERS ABSENT</b>	Ron Fowler, Councilmember, District 3 Sarah Carnes, City Attorney Adam Hilgedick, Asst. Director, Public Works
<b>STAFF / OTHERS</b>	Mike Mallon, Director, Community Development Cara Elbert, Assistant Director, Community Development Aliyah Kincade, Recording Secretary

**CALL TO ORDER** Chairperson Travis Graham called the meeting to order at 10:01 a.m.

**APPROVAL OF MINUTES** Chairperson Graham requested action on the Meeting Minutes. Commissioner Bob Frost moved to approve the March 16, 2022, meeting minutes. Seconded by Commissioner Orion Berridge. The motion passed unanimously with approval.

**AGENDA ITEM 2A / UNIFIED DEVELOPMENT CODE TEXT AMENDMENT / A. UDCT-09-22-8849 / "Home** Mike Mallon, Director, Community Development, presented the UDC text amendments to amend and adopt regulations related to Home Occupations, Building or construction contractor land uses in the General Business (GB) Zoning District, Landscape and buffer standards, and residential parking in the Downtown Zoning District.

Occupations, Building or construction contractor land uses in the General Business (GB) Zoning District, Landscape and buffer standards, and residential parking in the Downtown Zoning District”

Mr. Mallon beings to describes the first amendment, the Building or Construction Contractor (With Machinery, Equipment or Storage) land uses to be location withing the GB Zoning District with the approval of a Conditional Use Permit (CUP).

Mr. Mallon explains unless approved as part of the Conditional Use Permit Process, the front building façade is located more than 300 feet away from the street and/or is not facing a collector or arterial street, the front building façade may be modified to include overhead doors. No front or street-facing building façade facing an arterial or collector street shall be modified to include overhead doors. Overhead doors may only be located on side or rear facades of a building.

Mr. Mallon further explains all storage of trailers, company vehicles or other similar equipment may not be located within the required front or street side setback in the GB Zoning District.

Through discussion the Commission decided to recommend changing the wording in 22-C-2 from “company vehicles” to “commercial vehicles” because the Commission understands the value of a company vehicle with signage and how it can create more business/opportunity.

Mr. Mallon states that section 22-C-1 will include an “a”, “b” and “c”. The “a” will include the front building facade language. The “b” will include the front building façade may be modified. Then “c” will be to not change the essential character of the commercial use.

**MOTION**  
“Building construction contractor land uses in the General Business (GB)”

Commissioner Orion Berridge moved to approve the proposed updates. Seconded by Commissioner Bob Frost.

**VOTE**  
“Building construction contractor land uses in the General Business (GB)”

Travis Graham, Chair – Aye  
Orion Berridge – Aye  
Travis Hagedwood – Aye

Chase Rosher – Aye  
Bob Frost – Aye

**RECOMMENDED APPROVAL**  
**(5-Aye, 0-No)**

Mr. Mallon describes the second UDC Amendment is in response to newly enacted State law that significantly eliminates the ability of the City to regulate Home Occupations, as defined in the UDC.

**MOTION**  
“Home Occupations”

Commissioner Orion Berridge moved to approve the proposed updates. Seconded by Commissioner Chase Rosher.

**VOTE**  
“Home Occupations”

Travis Graham, Chair – Aye  
Orion Berridge – Aye  
Travis Hagewood – Aye  
**RECOMMENDED APPROVAL**  
**(5-Aye, 0-No)**

Chase Rosher – Aye  
Bob Frost – Aye

Mr. Mallon describes the third UDC Amendment is to modify the Downtown Development Code to increase the required parking for residential land uses from one parking space per unit to 1.5 parking spaces per unit. This amendment is in response to concerns raised from proposed residential developments downtown and after reviewing other similar cities codes, staff is proposing to increase the required parking. This would affect only the “T4” and “T5” Downtown Zoning Districts.

**MOTION**  
“Residential parking in the Downtown Zoning District”

Commissioner Orion Berridge moved to approve the proposed updates. Seconded by Commissioner Chase Rosher.

**VOTE**  
“Residential parking in the Downtown Zoning District”

Travis Graham, Chair – Aye  
Orion Berridge – Aye  
Travis Hagewood – Aye  
**RECOMMENDED APPROVAL**  
**(5-Aye, 0-No)**

Chase Rosher – Aye  
Bob Frost – Aye

Mr. Mallon describes the final amendment is to provide clear direction for new fencing and buffering requirements for residential development projects located along major corridors throughout the City. This amendment is in response to numerous development projects within the last year that have proposed single-family homes directly adjacent to 7 Highway. As part of those projects, City staff and City Council required the developer to install masonry fencing along 7 Highway to help buffer sound and noise from the adjacent roadway to the proposed housing, but also to create a visual separation between the two.

Through discussion the Commission recommended to combine 407.040-5-(1-3) combining all options to all the developer choice and the choice be consistent.

**MOTION**  
“Landscape and buffer standards”

Commissioner Orion Berridge moved to approve the proposed updates. Seconded by Commissioner Chase Rosher.

**VOTE**

“Landscape and  
buffer standards”

Travis Graham, Chair – Aye  
Orion Berridge – Aye  
Travis Hagewood – Aye

Chase Rosher – Aye  
Bob Frost – Aye

**RECOMMENDED APPROVAL**  
**(5-Aye, 0-No)**

**OTHER  
BUSINESS**

None.

**MEETING  
ADJOURN**

With no further discussion, a motion was made by Commissioner Frost and seconded by Commissioner Berridge and the meeting adjourned at 11:32 a.m.

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Respectfully Submitted by  
Aliyah Kincade, Recording Secretary

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Travis Graham, Chairperson

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Date

# DEVELOPMENT ADVISORY COMMISSION STAFF REPORT



<b>Meeting Dates:</b>	Development Advisory Commission: January 26, 2023
<b>Project Request:</b>	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.

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 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.

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.
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  - 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:

	<b>Residential Zoning Districts</b>	<b>Non-Residential Zoning Districts</b>
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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
<b>Retail/Commercial</b>																
Medical mMarijuana dispensary												■	■			
<b>Service/Entertainment</b>																
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: \_\_\_\_\_