



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Abe McGull, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

Upcoming Council Meeting Agenda May 6, 2019 6:30 p.m.

**Speakers must sign up with the City Clerk to speak to an issue on the agenda.
Speakers are to limit their remarks to three to five minutes.**

Note: Sponsorship does not denote Council member approval or support.

1. **ROLL CALL.**
2. **Approval Of Minutes. April 22, 2019 City Council Meeting And April 30, 2019 Special City Council Meeting**

Documents:

[04-22-2019.PDF](#)
[04-30-19 SPECIAL CITY COUNCIL MEETING.PDF](#)

3. **FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**
4. **CEREMONIAL MATTERS.**
5. **Council Bill 2019-107. (City Council)**

A resolution recognizing the 2018-2019 Drury University Lady Panthers basketball team, under the guidance and leadership of Head Coach Molly Miller, Assistant Coaches Emily Ragsdale and Buck Scheel, and Graduate Assistant Coach Rachel Swartz, upon advancing to the NCAA 2019 Division II Women's Basketball Final Four.

Documents:

[2019-107.PDF](#)

6. Council Bill 2019-108. (City Council)

A resolution recognizing the 2018-2019 Missouri State University Lady Bears basketball team, under the guidance and leadership of Head Coach Kellie Harper, Assistant Coaches Jon Harper, Jessica Jackson, and Jackie Stiles, and Director of Operations Ashley Houts, upon advancing to the NCAA 2019 Division I Women's Basketball Tournament Sweet Sixteen.

Documents:

[2019-108.PDF](#)

7. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.

8. SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On. Except Item No. 9. Amended Council Bill 2019-078 Was Amended At The April 22, 2019 City Council Meeting. Public Hearing On Amendment Only Being Held Over To The May 6, 2019 City Council Meeting. Citizens May Speak To Amendment Only. May Be Voted On. Council Bill 2019-078. Substitute No. 1 Is Being Added As A Possible Addition To The Agenda; However, A Determination Of Whether It Will Be Added Will Be Made By City Council At The Meeting. Council Bill 2019-086 Was Tabled At The April 22, 2019 City Council Meeting Until The May 6, 2019 City Council Meeting. Council Bill 2019-102 Was Amended At The April 22, 2019 City Council Meeting.

9. Second Amended Council Bill 2019-078. (Schilling) Was Amended At The April 22, 2019 Council Meeting. Public Hearing On Amendment Only Being Held Over. Citizens May Speak To Amendment Only. May Be Voted On.

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

[2019-078AMEND2.PDF](#)

10. Possible Addition To City Council Agenda; However, A Determination Of Whether It Will Be Added Will Be Made By City Council At The Meeting.

Council Bill 2019-078. Substitute No. 1. (Ollis and Schilling)

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land 2 Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

Documents:

[2019-078SUB.PDF](#)

11. Council Bill 2019-086. (Schilling) Tabled At The April 22, 2019 City Council Meeting Until The May 6, 2019 City Council Meeting.

A general ordinance adopting a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.)

Documents:

[2019-086.PDF](#)

12. Council Bill 2019-096. (Ollis)

A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding between the International Association of Fire Chiefs and the City of Springfield for the purpose of the Fire Department serving as a host agency for the International Association of Fire Chiefs International Fellowship Program.

Documents:

[2019-096.PDF](#)

13. Council Bill 2019-098. (Fisk)

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County to share in the costs related to the Accurant Crime Analysis software.

Documents:

[2019-098.PDF](#)

14. Council Bill 2019-099. (Ferguson)

A general ordinance amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of accelerating nuisance abatement; and, revising Section 74-406, ‘Charges for abatement by city,’ subsections (b) and (c) for the purpose of enhancing cost recovery.

Documents:

[2019-099.PDF](#)

15. Council Bill 2019-100. (Simpson)

A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri, and RW Development, LLC; and amending the budget of the Department of Planning and Development for Fiscal Year 2018-2019, in the amount of \$100,000, for the purpose of funding the preparation and review of certain documents related to utilizing public funding mechanisms.

Documents:

[2019-100.PDF](#)

16. Council Bill 2019-101. (Schilling)

A general ordinance authorizing the termination of the Downtown Springfield Special Business District and authorizing staff to complete the necessary steps to finalize termination of said

District. (Staff and Planning and Zoning Commission recommend approval.)

Documents:

[2019-101.PDF](#)

17. Amended Council Bill 2019-102. (Fisk) Amended At The April 22, 2019 City Council Meeting.

A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the 'Salary Ordinance,' for the purpose of adding seven new job titles and deleting three job titles from the Professional, Administrative and Technical Salary Schedule.

Documents:

[2019-102AMEND.PDF](#)

18. Council Bill 2019-103. (Hosmer)

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, by amending Section 2-455, 'Amount of employee contributions; deductions from salary,' by revising provisions regarding Police participants' Additional Funding Contribution and Additional Three-Tenths Percent Multiplier and by amending Section 2-456, 'Return of participant contributions upon leaving service or death' by revising provisions regarding the return of contributions to certain Police participants.

Documents:

[2019-103.PDF](#)

19. Council Bill 2019-104. (Schilling, Hosmer, Ollis, And Simpson)

A general ordinance adopting Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments, including a permit requirement and registration fee.

Documents:

[2019-104.PDF](#)

20. Council Bill 2019-104. Substitute No. 1. (McClure)

A general ordinance adopting Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments.

Documents:

[2019-104S1.PDF](#)

21. RESOLUTIONS.

22. EMERGENCY BILLS.

23. PUBLIC IMPROVEMENTS.

24. GRANTS.

25. AMENDED BILLS.

26. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.**

27. **Council Bill 2019-109. (Simpson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 2.39 acres of property, generally located at 3250 East Sunshine Street, from Planned Development No. 9 to GR, General Retail District; establishing Conditional Overlay District No. 172; and adopting an updated Official Zoning Map (Staff and Planning and Zoning Commission recommend approval.) (By: Sunshine RE Holdings, LLC; 3250 East Sunshine Street; Z-11-2019 w/Conditional Overlay District No. 172.)

Documents:

[2019-109.PDF](#)

28. **Council Bill 2019-110. (Schilling)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway Commercial. (Staff and Planning and Zoning Commission both recommend approval.) (By: A&A West JSW LLC, Cornelius Datema; 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane (private street); Z-8-2019.)

Documents:

[2019-110.PDF](#)

29. **Council Bill 2019-111. (Ferguson)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 5 acres of property, generally located at 3303 West Division Street from LI, Light Industrial District to CS, Commercial Service District; establishing Conditional Overlay District No. 171; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Jet View, LLC; 3303 W. Division Street; Z-10-2019 w/Conditional Overlay District No. 171.)

Documents:

[2019-111.PDF](#)

30. **FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.**

31. **Council Bill 2019-097. (Fisk)**

A special ordinance amending the budget of the Springfield Police Department for Fiscal Year 2018-2019 by appropriating \$1,100,000 in sales and use tax revenue received during the current Fiscal Year, for the purpose of funding the housing of City prisoners pursuant to an agreement with Vernon County, Missouri.

Documents:

[2019-097.PDF](#)

32. **Council Bill 2019-112. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Reed Enterprises, LLC; and repealing Special Ordinance 27114.

Documents:

[2019-112.PDF](#)

33. Council Bill 2019-113. (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019, in the amount of \$332,000.00, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

Documents:

[2019-113.PDF](#)

34. Council Bill 2019-114. (Lear)

A special ordinance amending the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019 in the amount of \$50,800,000, to appropriate the estimated proceeds of the first five years of the 1/4-Cent Capital Improvements Sales Tax; and authorizing the City Manager to exercise any necessary powers to complete capital projects funded by the 1/4-Cent Capital Improvements Sales Tax for the purpose of funding and completing those projects funded herein.

Documents:

[2019-114.PDF](#)

35. Council Bill 2019-115. (Ferguson)

A special ordinance authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019 in the total amount of \$1,045,803 for the purpose of sharing the costs of improvements to the US 160 and MO 744 intersection.

Documents:

[2019-115.PDF](#)

36. Council Bill 2019-116. (Ollis)

A special ordinance authorizing the City Manager, or his designee, to enter into a license agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions.

Documents:

[2019-116.PDF](#)

37. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

38. NEW BUSINESS.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

39. UNFINISHED BUSINESS.

40. MISCELLANEOUS.

41. **CONSENT AGENDA – FIRST READING BILLS.**

42. **CONSENT AGENDA – ONE READING BILLS. See Item #3.**

43. **Council Bill 2019-117. (Simpson)**

A resolution confirming the appointment of Robert Lowe, Jr., to the Southern Hills Community Improvement District Board of Directors. (Staff recommends approval).

Documents:

[2019-117.PDF](#)

44. **CONSENT AGENDA – SECOND READING BILLS. See Item #3.**

45. **Council Bill 2019-105. (Lear)**

A special ordinance authorizing the City Manager, or his designee, to accept the donation of a LiveScan Station, valued at \$18,125.00, from the Missouri Police Chiefs Charitable Foundation.

Documents:

[2019-105.PDF](#)

46. **Council Bill 2019-106. (Simpson)**

A special ordinance approving the conveyance of real property generally located at 3044 East Gasconade Street, to the heirs of Velmar M. Hill; and authorizing the issuance of a quit claim deed for same.

Documents:

[2019-106.PDF](#)

47. **END OF CONSENT AGENDA.**

48. **ADJOURN.**

Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.

All meetings are recorded.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 -1443 at least 3 days prior to the scheduled meeting.

April 22, 2019
Springfield, Missouri

The City Council met in regular session April 22, 2019 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Ken McClure. A moment of silence was observed.

Roll Call	Present: Richard Ollis, Andrew Lear, Phyllis Ferguson, Matthew Simpson, Abe McGull, Mike Schilling, Jan Fisk, Craig Hosmer, and Ken McClure. Absent: None
Minutes	There being no additions, deletions, or corrections, the minutes of the April 8, 2019 City Council Meeting and April 16, 2019 and April 18, 2019 Special City Council Meetings were approved as presented.
Consent Agenda	The Consent Agenda was approved as presented.
Motion to remove Council Bill 2019-079 from the agenda	Councilman Lear moved to remove Council Bill 2019-079 from the agenda. Councilman Simpson seconded the motion, and it was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.
Election of new Mayor Pro Tempore	Councilwoman Fisk thanked City Council for the opportunity to be an ambassador for the City over the past two years as Mayor Pro Tempore. Councilwoman Fisk moved to nominate Councilwoman Ferguson for the position of Mayor Pro Tempore. Councilman McGull seconded the motion, and it was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

CEREMONIAL MATTERS.

Oath of Office for Mayor Pro Tempore Elect	Anita Cotter, City Clerk, administered the oath of office to Mayor Pro Tempore Elect, Councilwoman Phyllis Ferguson. Mayor Ken McClure congratulated Mayor Pro Tempore Ferguson and thanked her for her willingness to serve the Community.
Linda Charles Retirement	Sponsor. McClure. Council Bill 2019-090. A resolution recognizing Linda Charles for her thirty-one years of dedicated service as an employee of the City of Springfield. Councilman Simpson read the resolution in its entirety. Jason Gage, City Manager, thanked Ms. Charles for her service and hard work. Jody Vernon, Assistant Director of Finance and Comptroller, expressed appreciation on behalf of the Finance Department, and thanked Ms. Charles for her dedicated service and attention to detail with City finances. An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed. Mayor Ken McClure thanked Ms. Charles for her work and service to the City and the Community. Council Bill 2019-090. Resolution 10445 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

City Managers Report and responses to questions raised at the previous City Council Meeting.

City Manager's Report

Jason Gage, City Manager, noted returning Councilmembers Mike Schilling, Richard Ollis, Matthew Simpson, Andrew Lear, Mayor Ken McClure, and new Zone 2 Councilmember, Abe McGull, took their Oath of Office at the Special City Council Meeting on April 18, 2019 and congratulated them on their election.

Mr. Gage congratulated Mary Ann Rojas, Director of Workforce Development, and several Community Partners for hosting the 3rd Annual Build My Future Job Expo event on April 17, 2019, where approximately 2,700 area high school students had the opportunity to test drive careers in construction. He added, the nationally recognized award-winning expo has become a model for other communities trying to promote construction job opportunities in various construction fields of interest.

Mr. Gage provided a March 2019 and 2019 year-to-date Uniform Crime Report update from Paul Williams, Police Chief. He noted overall the trend is tracking approximately 1.7 percent higher compared to 2018. Mr. Gage noted on Friday, April 19, 2019, the Springfield Police Department Leadership Council recognized and celebrated significant acts of citizens and officers to fight crime and keep the Community safe in 2018. He added, the ceremony recognized eight citizens, eight police officers, one police corporal, and two police sergeants. Additionally, Albert Estrada, Corporal, and Mark Riggin, Officer, earned lifesaving awards; and Eric Morgan, Officer, received the Medal of Valor.

Mr. Gage provided an update on Springfield Fire Department firefighters canvassing the Bissett Neighborhood Association on April 20, 2019 to test and install smoke alarms as part of Project RED Zone. He added, to date 2,246 smoke alarms have been provided to citizens in Zone 1. Additionally, 642 batteries, 7,492 door tags with fire safety information, 4,191 alarms, and 14,092 home visits have occurred since the program's inception.

Mr. Gage stated the Women's Firefighter Conference will be held in Springfield on April 26 and 27, 2019 and for more information citizens can call 417-770-4312 or view the video posted on the Fire Department's Facebook page. He noted the Springfield Fire Department received a Federal Emergency Management Agency grant in early 2019 to purchase escape ladders that still need a home. He added, the ladders can provided families safe escape in case of entrapment on the second floor of a home during emergencies. Mr. Gage stated citizens are eligible to receive a ladder if they live in a 2-story home with a bedroom on the second floor, live in either Zone 1 or 2 of the City, and more information can be obtained by contacting Heather Parker at hparker@springfieldmo.gov or calling 417-874-2380.

Councilwoman Ferguson asked for clarification on eligibility for citizens to receive a complimentary escape ladder. Mr. Gage responded citizens living on the second floor or higher of apartment buildings are also eligible to receive ladders.

Councilman Simpson complimented Mr. Gage on his recent interview with the Springfield News-Leader about Census Bureau population numbers in the City. Mr. Gage thanked Councilman Simpson.

Mayor Ken McClure congratulated the Workforce Development Department for hosting a successful 2019 Build My Future event and expressed appreciation for being involved in the event.

The following bills appeared on the agenda under Second Reading Bills.

**Phelps Grove
Urban
Conservation
District**

Sponsor. Simpson. Council Bill 2019-072. A general ordinance amending Urban Conservation District No. 4, generally referred to as the Phelps Grove Urban Conservation District, Section 2 – ‘District Regulations,’ by creating a new Subsection D, regarding minimum lot width. (Planning and Zoning Commission and Staff recommend approval.)

Anita Cotter, City Clerk, noted a protest petition was received and found to be insufficient at 1.5%. She added, a copy of the supplemental explanation has been provided at City Council’s places, and therefore a supermajority will not be required for passage.

Councilman McGull thanked the Phelps Grove Neighborhood Association for their support of the proposed.

Council Bill 2019-072. General Ordinance 6517 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**1777 N. Packer
Road**

Sponsor: Ferguson. Council Bill 2019-073. A general ordinance amending the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning approximately 40 acres of property generally located at 1777 North Packer Road and the 2800 Block of East Blaine Street from GM, General Manufacturing, Planned Development 128 and R-SF, Residential Single Family, to GM, General Manufacturing District; and establishing Conditional Overlay District No. 168; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Rice & Heer Leasing - Company, H&C Partnership and City of Springfield; 1777 North Packer Road and the 2800 Block of East Blaine Street; Z-7-2019 w/Conditional Overlay District No. 168.)

Council Bill 2019-073. General Ordinance 6518 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**529 W. Division
Street**

Sponsor. Ferguson. A general ordinance amending the Springfield Land Development Code, Section 36-306, ‘Official zoning map and rules for interpretation,’ by rezoning 1.1 acres of property generally located at 529 West Division Street from R-SF, Single-Family Residential District to GR, General Retail District; and establishing Conditional Overlay District No. 170; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission both recommend approval.) (By: Springfield R-12 School District; 529 W. Division Street; Z-1-2019 w/Conditional Overlay District No. 170.)

Council Bill 2019-074. General Ordinance 6519 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, and McClure. Nays: Hosmer. Abstain: None. Absent: None.

**West College Street
District**

Sponsor. Fisk. Council Bill 2019-075. A general ordinance amending Chapter 36 of the Springfield, Missouri City Code, ‘Land Development Code,’ Article III, ‘Zoning Regulations,’ Division 4, ‘District Regulations,’ Section 36-409 – ‘West College Street District,’ and ‘Division 5, Supplemental District Regulations,’ Section 36-451, ‘Home Occupations,’ to remove inconsistencies with existing occupancy requirements. (Planning and Zoning Commission and Staff recommend approval.)

Council Bill 2019-075. General Ordinance 6520 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

Reduction of minimum lot area required for development

Sponsor. Ollis. Council Bill 2019-076. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 4, 'District Regulations,' Section 36-383 'R-MD – Medium-density multifamily residential district,' and 36-384 'R-HD – High-density multifamily residential district,' to reduce the minimum lot area required for development. (Planning and Zoning Commission and Staff recommend approval.)

Council Bill 2019-076. General Ordinance 6521 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

Legal descriptions for rezoning

Sponsor. Hosmer. Council Bill 2019-077. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, 'Land Development Code,' Article III, 'Zoning Regulations,' Division 3, 'Administration, Enforcement and Review,' Section 36-367 – 'Amendments,' Subsection (3)(a) relating to legal descriptions for rezoning. (Planning and Zoning Commission and Staff recommend approval.)

Council Bill 2019-077. General Ordinance 6522 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

Sale of medical marijuana

Sponsor. Schilling. Amended Council Bill 2019-078. A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474; for the purpose of allowing the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

Councilman Hosmer made a motion to amend council bill 2019-078 to delete the definition of a child daycare center as a facility licensed by the City or State and to require the separation distance requirements for medical marijuana dispensaries and Type 2 manufacturing facilities to be 1,000 feet from elementary and secondary schools and child daycare centers in all districts in which those uses are permitted, and the separation distance to remain 200 feet from churches. Councilman McGull seconded the motion.

Councilman Hosmer expressed his opinion locating dispensaries less than 1,000 feet from schools and child daycares would be bad public policy for the City, and potential exposure to marijuana for citizens under the approximate age of 23 to 24 years old could have a negative impact on their health. Councilman Hosmer expressed his opinion City Council could modify separation requirements going forward if needed and a 1,000-foot separation has worked well in other states such as Colorado and Washington.

Councilwoman Fisk expressed concern for child daycare centers and churches with child daycares, and asked for clarification on the City Zoning Ordinance relating to these types of facilities. Mary Lilly Smith, Director of Planning and Development, responded under the current ordinance, child daycares are defined as licensed by the State and/or the City, and Councilman Hosmer's motion to amend deletes this definition to return to how the Zoning Ordinance defines child daycares, which does not include licensing. She noted City Staff recommends approval of

returning to this definition. Additionally, the State sanctions three categories of child daycares: Licensed, Licensable, and License Exempt. Ms. Smith stated child daycares that are License Exempt are not protected under the original proposed ordinance. She added, the Planning and Zoning Department determines zoning based on the most restrictive use, and 1,000-foot is more restrictive than 200-foot in cases where a facility contains a church and a school and/or child daycare.

Councilwoman Fisk asked for clarification on amending the definition of child daycares. Rhonda Lewsader, City Attorney, responded Councilwoman Fisk could offer a secondary amendment to Councilman Hosmer's amendment by moving to remove the language in the amendment to change the definition of child daycare centers, so that the language requiring a child daycare to be licensed by the City or State remains in the proposed ordinance.

Mayor McClure asked for clarification on Councilwoman Fisk's motion to amend Councilman Hosmer's amendment. Ms. Lewsader responded the motion would be to amend the previous motion by removing the part of that motion that deletes the definition of a child daycare center as a facility licensed by the City or State.

Councilwoman Fisk stated she would have a motion to amend Councilman Hosmer's. Ms. Lewsader clarified Councilman Hosmer's motion for City Council, and stated if Councilwoman Fisk's motion were to be approved, what would remain of Councilman Hosmer's motion is to change the separation distance to 1,000 feet from schools and child daycares, and remain 200 feet from churches.

Mayor McClure asked for clarification on the impact of licensure with Councilwoman Fisk's motion. Mary Lilly Smith, Director of Planning and Development, responded the Planning and Zoning Commission would only draw a separation from child daycares that are licensed by the State or City and child daycares that are not required to obtain a license would not have the benefit of the proposed separation requirements. Mayor McClure asked for clarification on a 200-foot separation requirement being applicable to un-licensed child daycare facilities. Ms. Smith responded the 200-foot requirement would apply to child daycare facilities located in a church, but child daycare facilities located on Missouri State University property would have zero separation requirement unless they obtain a license because the University is not considered an elementary or secondary school.

Councilman McGull asked for clarification on the proposed 1,000-foot separation requirement for child daycares. Ms. Smith confirmed the 1,000-foot requirement would apply to child daycares licensed by the State or City.

Councilman Lear asked for clarification on local Young Men's Christian Association (YMCA) branches and other facilities with child-affiliated programs, and what separation requirements they would have under the proposed. Ms. Smith responded if a child daycare is located within a church a 200-foot separation requirement would apply and the local YMCA is listed by the State as Licensable. Councilman Lear asked for clarification on licensable child daycare facilities obtaining a license after the establishment of potential dispensaries. Ms. Smith responded Article XIV of the State Constitution summarizes the facility would need to be in possession of a license prior to the establishment of a dispensary. Councilman Lear asked for clarification on the impact Councilman Hosmer's motion would have on separation requirements for University child daycares. Ms. Smith responded University facilities would have a separation requirement under Councilman Hosmer's proposed amendment.

Councilman Hosmer asked for clarification on City Staff's recommendations. Ms. Smith responded City Staff recommends Councilman Hosmer's motion. Councilman Hosmer asked for clarification on non-licensed religious-affiliated child daycare facilities. Ms. Smith confirmed there would be zero separation requirements for non-licensed child daycare facilities under the proposed. She added, some religious facilities do obtain a child daycare license without being required to do so. Councilman Hosmer expressed his opinion a 1,000-foot separation requirement for schools and child daycare facilities that are licensed, non-licensed, and licensable is the best public policy.

Councilman Ollis asked for clarification on the number of child daycares that would not be licensed under the definition of a child daycare and City Staff's recommendations. Ms. Smith responded she did not have a number for City Council at this time, and City Staff recommends all child daycare facilities be regarded the same whether they are subject to licensure or not. She added, if schools, child daycares, and churches had equal proposed separation requirements, licensure would not be a factor.

Councilman Ollis asked for clarification on the proposed fee schedule for medical marijuana dispensaries. Ms. Smith responded City Staff determined implementation of proposed separation requirements would require on-site visits by City Staff to assure requirements are being met between medical marijuana dispensaries and schools, child daycares, and churches. Councilman Ollis asked for clarification on City Staff's implementation of separation requirements post-inspection. Ms. Smith responded appropriate regulations would be established and a child daycare center by definition in City Zoning Ordinance does not include in-home daycares that would be considered a provider's permanent residence.

Councilwoman Fisk expressed concern for providers and owners of non-licensed child daycare facilities not wanting medical marijuana dispensaries located near their properties.

Councilman Simpson asked for clarification on the licensure process for facilities considered by the State to be Licensure Exempt. Ms. Smith expressed her opinion those facilities would not be prohibited to apply for a license. Councilman Simpson asked for clarification on City Staff's zoning interpretation process based on what is determined to be a facility's primary use. Ms. Smith responded the Planning and Zoning Commission interprets the City Zoning Ordinance using the most restrictive use, and if a facility has multiple uses, the 1,000-foot separation requirement would still apply to child daycare facilities inside or outside of facilities with primarily religious use under Councilman Hosmer's motion. Councilman Simpson asked for clarification on City Staff's use of sources to locate and map facilities that could be considered as facilities providing child daycare services. Ms. Smith responded City Staff are confident they have not located all child daycare facilities yet, but continue to search the City and State databases for additional information.

Councilman McGull asked for clarification on the oversight of licensed child daycare facilities compared to non-licensed facilities. Ms. Smith expressed her opinion there is additional oversight of licensed child daycare facilities by the State.

Councilwoman Ferguson asked for clarification on the impact child daycare licensure would have on Councilman Hosmer's and Councilwoman Fisk's motions to amend Council Bill 2019-078. Ms. Smith confirmed a non-licensed child daycare within a church would have a separation requirement of 200 feet under Councilwoman Fisk's motion, and 1,000 feet under Councilman Hosmer's motion.

Councilwoman Fisk moved to amend Councilman Hosmer's motion to remove the part of the motion that deletes the definition of a child daycare center as a facility licensed by the City or State. Councilman McGull seconded the motion, and it failed by the following vote: Ayes: Lear, Simpson, McGull, and Fisk. Nays: Ollis, Ferguson, Schilling, Hosmer, and McClure. Abstain: None. Absent: None.

Councilman McGull asked for clarification on the definition of child daycare centers under Councilman Hosmer's motion. Ms. Smith responded it would default to the definition of child daycare facilities within the City Zoning Ordinance and displayed the full definition for City Council. She emphasized child daycare facilities provide services for infants through preschool to kindergarten age children, and then children continue to elementary and secondary school facilities with the same separation requirements under Councilman Hosmer's motion. Councilman McGull asked for clarification on City Staff's research of the location of child daycare facilities within the City. Ms. Smith responded City Staff utilized both City and State licensing databases while researching child daycare locations. Councilman McGull asked for clarification on a map of dispensary and Type 2 post-extraction facility permitted districts with proposed 1,000-foot separation from elementary schools, secondary schools, and child daycare centers, and 200-foot separation from churches. Ms. Smith displayed the map for City Council and clarified the proposed school, daycare, and church buffers as represented on the map by three separate colors. Councilman McGull asked for clarification on where dispensaries would be permitted under the proposed separation requirements and what is considered to be the middle of the City according to the map. Ms. Smith clarified where dispensaries would be permitted, as represented on the map by a fourth separate color, and located some major roadways and landmarks on the map to allow for City Council's reference to the location of the middle of the City.

Councilman Hosmer expressed his opinion voters agreed to a 1,000-foot separation from schools, child daycares, and churches, and by only requiring a 200-foot separation from churches, it would allow for several more available spaces for the location of dispensaries. Councilman Hosmer expressed his opinion City Council should look to other States that have passed a 1,000-foot separation requirement.

A vote was taken on Councilman Hosmer's motion to amend council bill 2019-078 to delete the definition of a child daycare center as a facility licensed by the City or State and to require the separation distance requirements for medical marijuana dispensaries and Type 2 manufacturing facilities to be 1,000 feet from elementary and secondary schools and child daycare centers in all districts in which those uses are permitted, and the separation distance to remain 200 feet from churches. It was approved by the following vote: Ayes: Ollis, Ferguson, McGull, Schilling, Hosmer, and McClure. Nays: Lear, Simpson, Fisk. Abstain: None. Absent: None.

An opportunity was given for citizens to express their views.

Kim Andrews spoke in opposition of the proposed amendment. Ms. Andrews stated she is part of a family trying to open a dispensary, and once a license is obtained for a dispensary facility it would be difficult and costly to move it. She expressed her opinion City Council should consider the Planning and Zoning Commission's proposed separation distance requirements and not attempt to alter distance requirements in the future.

Cynthia Northcutt spoke in opposition of the proposed amendment. Ms. Northcutt expressed her opinion the intention of the language of Amendment 2 was to limit the location of medical marijuana facilities in smaller towns and not large metropolitan areas like Springfield. Ms. Northcutt expressed her opinion there is no threat to schools or child daycares from being

located close to dispensaries. Ms. Northcutt expressed her opinion City Council should consider the original proposed separation distance requirements from the Planning and Zoning Commission.

Desmond Morris spoke in opposition of the proposed amendment. Mr. Morris expressed his opinion medical marijuana dispensaries will be secure facilities with a low risk of children gaining unwarranted access to, and there are other cities in the State considering separation distances under 1,000 feet. Mr. Morris expressed his appreciation for City Council's work on the proposed.

Kevin Ellison spoke in opposition of the proposed amendment. Mr. Ellison expressed his opinion medical marijuana facilities will be extremely secure and provided a description of security protocols required of dispensaries by the State. He expressed his opinion without a patient card or caregiver patient card, it would be difficult to obtain marijuana, and dispensaries risk losing their license if marijuana that is found illegally can be traced back to them. Mr. Ellison expressed his opinion it is challenging for potential investors to find and acquire property for a dispensary, and a 1,000-foot separation requirement would make the process even more difficult.

John Price spoke in opposition of the proposed amendment. Mr. Price stated he represents several people in the process of applying for medical marijuana dispensary licenses and by August 3, 2019 they must file an application with the State for a license. He added, the application is tied to a specific location and is only valid for that location. Mr. Price provided an outline of the process applicants go through prior to applying for a license. He expressed his opinion it is a costly process that requires some predictability and certainty with zoning ordinances, and City Council should be specific and predictable with the language it adopts in the ordinance. Mr. Price expressed his support for a 200-foot separation requirement from schools, child daycares, and churches.

Councilman Hosmer expressed his opinion the initial language of the medical marijuana amendment voted on by the people included a 1,000-foot separation distance requirement from schools, daycares, and churches. Mr. Price expressed his opinion the language allowed for an exception to distance requirements and Councilman Hosmer's amendment will make it difficult for his clients to locate dispensaries in the City in compliance with the separation distance requirements.

Councilman McGull expressed concern for the 1:1 ratio of medical marijuana patient to medical marijuana dispensary staff and potential lines outside of dispensaries. Mr. Price expressed his opinion that ratio is an industry standard in the 32 States that have medical marijuana facilities. He added, the facilities are secure and require a patient card to gain access to the marijuana.

Chip Sheppard spoke in opposition of the proposed amendment. Mr. Sheppard expressed his opinion there is no way for City Staff or City Council to know which churches may contain un-licensed child daycares and that would affect the distribution of separation distance requirements as represented on the map displaying the proposed permitted districts for dispensary and Type 2 post-extraction facilities. He added, the majority of dispensaries have large front rooms to serve as a waiting area for patients before being admitted to the dispensary room on a 1:1 basis with staff, and the waiting area aides in preventing long lines outside the dispensary. Mr. Sheppard expressed his support of a 200-foot separation distance requirement and expressed his opinion City Council could add language to the proposed ordinance to include that a dispensary located closer than 1,000 feet to any school, child daycare, or church cannot be utilized for the future sale of recreational marijuana. He expressed his opinion it is difficult to locate un-licensed child daycare facilities and several cities in the State are adopting distance requirements less than 1,000 feet.

With no additional speakers the public hearing was declared closed.

Mayor McClure noted the public hearing would be carried over to the May 6, 2019 City Council Meeting on Councilman Hosmer's amendment only.

Fee schedule for medical marijuana zoning certificate

Sponsor. Schilling. Council Bill 2019-086. A general ordinance adopting a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.) Anita Cotter, City Clerk, noted Council Bill 2019-086 would need to be tabled to the next regularly scheduled City Council Meeting due to public hearing being carried over on Council Bill 2019-078.

Councilman Hosmer moved to table Council Bill 2019-086 until the next regularly scheduled City Council Meeting on May 6, 2019. Councilman Simpson seconded the motion, and it was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

Fire Code relating to tents

Sponsor. Lear. Council Bill 2019-079. A special ordinance amending Sections 3103.9.2 and 3103.9.3 of the Fire Code, relating to tents and membrane structures, by adding specific local addendums to the 2018 International Fire Code.

Council Bill 2019-079. Special Ordinance 27171 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

The following bills appeared on the agenda under Resolutions.

Tax increment Finance Plan

Sponsor. Ferguson. Council Bill 2019-091. A resolution accepting a report on the status of all existing Tax Increment Financing plans within the City of Springfield, and determining that the redevelopment projects of each Tax Increment Financing District are making satisfactory progress under the proposed time schedule contained within their respective plans.

Sarah Kerner, Economic Development Director, provided a brief overview of the proposed. Ms. Kerner displayed a map of the City's three Tax Increment Financing (TIF) Districts; Commercial Street, Jordan Valley Park, and Springfield Plaza. She noted the Jordan Valley TIF Plan objectives are; to eliminate adverse conditions, enhance the tax base, encourage private investment, increase employment, housing, and recreational opportunities, and stimulate development. She added there were five distinct redevelopment areas activated in 2000 to 2005; Jordan Valley Park, ice park, baseball stadium, parking/Holiday Inn Express, and existing commercial/retail uses along National Avenue and Walnut Street. Ms. Kerner displayed a summary of the TIF revenues and expenditures and progress towards plan objectives, to include; 445,000 dollars in new Payments-in-lieu-of-taxes (PILOTS) since 2015 and reduced bond indebtedness of 2.5 million dollars with all TIF revenues directed towards Springfield Expo Center debt payments. Additionally, City Staff recommends a finding that redevelopment projects of the Jordan Valley Park TIF District are complete and that the TIF is making satisfactory progress in reimbursing City bonds issued to fund said projects.

Ms. Kerner stated the Commercial Street TIF primary plan objectives are to carry out extensive public improvements and encourage significant growth and development through private sector investment. She displayed a summary outline of additional plan objectives, notable dates relating to the plan, and a listing of TIF reimbursable projects. Ms. Kerner noted the TIF Special Allocation Fund Balance is 573,265 dollars as of December 31, 2018. She added plan objectives include; 430,000 dollars in new PILOTS, approved spending of 267,508 dollars on Frisco Lane

acquisition and improvements, and 520,000 dollars of new TIF expenditures approved in 2018. Ms. Kerner stated City Staff recommends a finding of satisfactory progress on this TIF plan.

Ms. Kerner stated the Springfield Plaza TIF is the newest TIF in the City and plan objectives include; redevelopment, curing economic underutilization, alleviate “blighted area” conditions, and promote economic health and independence of the City. She displayed a summary outline of important dates and redevelopment project areas 1 (RPA-1) and 2 (RPA-2) relating to the TIF. Ms. Kerner noted five distinct TIF reimbursable projects associated with the TIF and the unique features of this TIF, to include; the collection of TIF revenues from each redevelopment project lasting no longer than 18 years, 75 percent of PILOTS retained with the remaining 25 percent redirected back to the affected taxing jurisdictions, and establishment of a Community Improvement District (CID) to accelerate reimbursement. Additionally, the TIF Special Allocation Fund Balance is 75,760 dollars and City Staff recommends a finding of satisfactory progress towards plan objectives.

Councilman Ollis asked for clarification on the Commercial Street TIF collection being suspended. Ms. Kerner responded the CID, not the TIF, would be suspended due to the tax expiring prior to the term, and will provide more information to City Council about the issue at a later date.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

Council Bill 2019-091. Resolution 10446 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

2019 Capital Improvements Program Plan

Sponsor: Hosmer. Council Bill 2019-092. A resolution amending the 2019 Capital Improvements Program Plan, which identifies a schedule of public improvements for 2019 through 2024. (Planning and Zoning Commission and City staff recommend approval.)

Randall Whitman, Principal City Planner, provided a brief overview of the proposed. Mr. Whitman stated the proposed amends the 2019 Capital Improvements Program Plan with six additional proposed projects targeted to be completed during the 2019-2020 Fiscal Year, and updates the list of completed projects from Fiscal Year 2018 to 38 total projects. He added City Staff and the Planning and Zoning Commission recommend approval.

Mayor Ken McClure asked for clarification on the use of 2018 carryover funds. Mr. Whitman responded City Council approved the use of carryover funds for the proposed projects.

Councilman McGull asked for clarification on the use of carryover funds. Mayor McClure responded City Council approved the use of 2018 carryover funds approximately two weeks prior and the proposed would make the 2019 Capital Improvements Program Plan consistent with the carryover funds. Councilman McGull asked for clarification on proposed projects located in Zone 2. Mr. Whitman responded the proposed adds six projects to the list of 2019 Capital Improvements Program Plan projects approved in February 2019.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

Council Bill 2019-092. Resolution 10447 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**Comprehensive
Housing
Assistance Program
Loan Funds**

Sponsor: Hosmer. Council Bill 2019-093. A resolution endorsing the use of \$750,000 in Comprehensive Housing Assistance Program Loan funds, with a modification of loan repayment terms and subject to the Rules and Regulations for the Comprehensive Housing Assistance Program, for the development of affordable housing, generally located at 1255 East Chestnut Expressway, to serve youth aging out of foster care. (Staff and Loan Committee recommend approval.)

Brendan Griesmer, Assistant Director of Planning and Development, provided a brief overview of the proposed. Mr. Griesmer noted the City's contribution to the proposed is a 750,000-dollar affordable housing loan in partnership with the Family Life Community Services, to construct affordable housing with a portion of the housing dedicated to youth aging out of the foster care system. He added the loan would leverage over 5.8 million dollars in tax credit leverage and other State funding to construct 41 housing units, with eight of the units dedicated to youth aging out of foster care, and the majority of the additional units dedicated for low to moderate income persons. Mr. Griesmer expressed his opinion there is a large need in the Community for housing services for youth aging out of foster care and noted City Staff recommends approval.

An opportunity was given for citizens to express their views.

Annie Busch spoke in favor of the proposed. Ms. Busch stated she has worked with homeless in the Community for ten years and was co-chair of a task force to end homelessness. She expressed her opinion the fastest growing segment of homeless youth are those exiting the foster care system, and lack of affordable housing is the largest issue affecting the number of homeless youths on the street. Ms. Busch expressed her opinion the proposed could be a model program to end the cyclical effect of youth homelessness and would provide them access to imperative services they cannot find elsewhere in the Community.

Councilman McGull expressed his appreciation for the proposed program's initiative and asked for clarification on the resources it would provide to homeless citizens. Ms. Busch responded there would be approximately ten agencies centrally located to provide services to homeless youth and low-income persons.

Councilman Simpson expressed his opinion the proposed is a good approach to assisting homeless youth and providing services within walking distance of Ozarks Technical Community College will make a difference for students in need of those services. Ms. Busch responded there would be job training programs available to homeless youth and students.

Councilwoman Ferguson asked for clarification on the proposed housing units being available to homeless and low-income families. Ms. Busch responded there would be units available to families but deferred to the project developer to provide more specific information about that issue at a later time.

Casey Wray spoke in favor of the proposed. Mr. Wray stated he has 17 years of experience working with the Good Samaritan Boys Ranch and has signed over 100 housing leases for homeless youth in the Community over the past ten years. He expressed his opinion the proposed compliments the mission of the Good Samaritan Boys Ranch and would assist an even greater number of youths by providing centralized services and resources. Mr. Wray expressed his opinion the Community working together and providing help with job placement and skills is vital to a successful implementation of the proposed.

Tobey Wilkerson spoke in favor of the proposed. Ms. Wilkerson stated she spent from age seven to age 21 in foster care and by age 18 moved to Springfield, Missouri to attend college. She

added, once she arrived she was not able to secure housing without a co-signer or rental history and become homeless for approximately two years. Ms. Wilkerson stated she was able to successfully find housing and employment by utilizing services similar to those proposed, and today she is an adoptive mother of two children and a foster parent. She expressed her opinion the proposed resources and services for youth homeless aging out of foster care are essential for the reduction of youth homelessness in the Community.

With no additional speakers, the public hearing was declared closed.

Council Bill 2019-093. Resolution 10448 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**Youth Homeless
Demonstration
Program Grant**

Sponsor: Ollis. Council Bill 2019-094. A resolution authorizing the City Manager, or his designee, to apply for a Youth Homeless Demonstration Program Grant from the Department of Housing and Urban Development, for a minimum amount of \$1,000,000, for the purpose of developing and implementing a coordinated community plan to end youth homelessness.

Bob Atchley, Senior Planner, provided a brief overview of the proposed. Mr. Atchley stated the City would apply for the proposed grant with Community Partnership of the Ozarks, and if awarded, it would allow for implementation of a coordinated Community plan to prevent and work towards ending youth homelessness in the area. He added, the grant would allow the City to gain input from national youth homeless experts and is awarded based on criteria such as the poverty rate and number of homeless youths. Mr. Atchley noted the minimum application grant amount is four million dollars and the U.S. Department of Housing and Urban Development did not select the City's application from its two previous submissions for the grant. He stated a 2018 survey conducted by the Ozarks Alliance to End Homelessness Youth Task Force indicated approximately 64 percent of homeless youth experienced being homeless on their own. Additionally, City Staff recommends approval of the proposed.

An opportunity was given for citizens to express their views.

Amanda Stadler spoke in favor of the proposed. Ms. Stadler stated she oversees the Ozarks Alliance to End Homelessness with the Community Partnership of the Ozarks. She added the Alliance is the regional planning body for Greene, Christian, and Webster Counties to work towards homelessness becoming rare, brief, and non-recurring for individuals and families. Ms. Stadler expressed her opinion if the City were to be awarded the Youth Homeless Demonstration Program Grant, it would allow for a system-wide approach and response to youth homelessness and more consistency with wrap-around services.

With no additional speakers, the public hearing was declared closed.

Council Bill 2019-094. Resolution 10449 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**Northwest
Arkansas study tour**

Sponsor: McClure. Council Bill 2019-095. A resolution authorizing Councilmember Matthew Simpson to participate in a one-day mobility study tour of Northwest Arkansas, hosted by LaneShift, LLC.

Jason Gage, City Manager, provided a brief overview of the proposed. Mr. Gage stated the proposed would allow Councilman Matthew Simpson to participate in the study tour pursuant to City Council rules and regulations.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

Council Bill 2019-095. Resolution 10450 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**EMERGENCY BILLS.
PUBLIC IMPROVEMENTS.**

GRANTS.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING

The following bills appeared on the agenda under First Reading Bills.

**International
Association of Fire
Chiefs**

Sponsor. Ollis. Council Bill 2019-096. A special ordinance authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding between the International Association of Fire Chiefs and the City of Springfield for the purpose of the Fire Department serving as a host agency for the International Association of Fire Chiefs International Fellowship Program.

David Pennington, Fire Chief, provided a brief overview of the proposed. Chief Pennington stated the proposed would allow the Springfield Fire Department to serve as the host agency for a fellowship program that provides a training partnership with members of the Saudi Aramco Fire Protection Company. He added selected members would gain hands on firefighting experience in an urban fire setting and eight members would be selected to spend six months in the program.

Councilman McGull expressed his opinion the program being hosted by the Springfield Fire Department in partnership with Saudi Aramco gives the City international recognition. Chief Pennington responded the selection process was challenging and expressed gratitude for Councilman McGull's appreciation.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

**General Fund
Budget**

Sponsor. Fisk. Council Bill 2019-097. A special ordinance amending the General Fund budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019, by appropriating \$1,100,000 in additional sales and use tax revenue received in the current fiscal year for the purpose of funding City inmates housed pursuant to a contract with Greene County.

**Accurint Crime
Analysis Software**

Mayor Ken McClure noted Council Bill 2019-097 was pulled from the agenda.

Sponsor. Council Bill 2019-098. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County to share in the costs related to the Accurint Crime Analysis software.

Paul Williams, Police Chief, provided a brief overview of the proposed. Chief Williams stated the proposed would allow for a cost-sharing agreement between the City and Greene County to continue using accurate crime mapping software through LexisNexis. He added both

departments utilize the software internally for crime analysis, and externally for citizens to have access to information about the location of crimes in the area.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

**Weed height
declared nuisance**

Sponsor. Ferguson. Council Bill 2019-099. A general ordinance amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of accelerating nuisance abatement; and, revising Section 74-406, ‘Charges for abatement by city,’ subsections (b) and (c) for the purpose of enhancing cost recovery.

Harlan Hill, Director of Building Development Services, provided a brief overview of the proposed. Mr. Hill stated the current ordinance allows for grass and weeds to grow to a height of 12 inches prior to being considered a nuisance and the proposed would allow for growth higher than seven inches to be considered a nuisance. Mr. Hill expressed his opinion the proposed would allow City Staff to expedite the declarations of nuisances and abatements of nuisance properties. He added the proposed would eliminate the five-year limit on abatement costs attached to properties as a tax bill and instead allow for the indefinite carry over of costs as a special tax bill.

Councilman McGull asked for clarification on the number of grass and weed height nuisance cases reported per year in the City. Mr. Hill responded approximately over 2,000 cases per year are reported.

Councilman Ollis asked for clarification on the implementation of an educational program for citizens regarding grass and weed height. Mr. Hill responded the Building Development Services Department and Public Information and Civic Engagement Department are working together in the beginning stages to develop an educational campaign and can provide additional details to City Council on a later date.

An opportunity was given for citizens to express their views.

Rusty Worley spoke in favor of the proposed. Mr. Worley stated he is the Chair for the Neighborhood Advisory Council (NAC) and member of the West Central Neighborhood Association. He expressed his opinion the proposed allows the City to be proactive in addressing nuisance properties and the NAC has made nuisance properties a priority for several years. Additionally, the NAC would be willing to assist with a public information campaign on the issue.

With no additional speakers, the public hearing was declared closed.

**Preliminary
Funding
Agreement**

Sponsor. Simpson. Council Bill 2019-100. A special ordinance authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri, and RW Development, LLC; and amending the budget of the Department of Planning and Development for Fiscal Year 2018-2019, in the amount of \$100,000, for the purpose of funding the preparation and review of certain documents related to utilizing public funding mechanisms.

Sarah Kerner, Director of Economic Development, provided a brief overview of the proposed. Ms. Kerner stated the proposed would allow the applicant, RW Development, to deposit funds to

cover the cost of preparing legal documents associated with Tax Increment Financing (TIF) Plan and related incentives. She added the proposed would not require the City to pay legal costs for the Applicant's project, obligate the City to approve any incentive, or obligate the Applicant to undertake the project. Ms. Kerner displayed an excerpt from the City's Economic Development Policy Manual outlining City protocol for TIF applications for retail and commercial projects. Additionally; City Council would have to approve a Preliminary Funding Agreement with RW Development, the developer must make an initial deposit of 15,000 dollars, up to 100,000 dollars with the City, developer funds would pay for the City's legal fees associated with preparing TIF Plan and related incentives, and no incentives are being approved at this time.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

Downtown Springfield Special Business District

Sponsor. Schilling. Council Bill 2019-101. A general ordinance authorizing the termination of the Downtown Springfield Special Business District and authorizing staff to complete the necessary steps to finalize termination of said District. (Staff and Planning and Zoning Commission recommend approval.)

Sarah Kerner, Economic Development Director, provided a brief overview of the proposed. Ms. Kerner stated the proposed termination of the Downtown Springfield Special Business District (SBD) would remove an outdated and unused taxing entity from City books and provide more flexibility for use of City parking lots downtown. Additionally; with the SBD in place the City is required to maintain a number of free public parking spaces equal to the number of spaces available when the SBD tax was collected, termination of the SBD would allow the City maximum flexibility with regard to those parking spaces, and there are no immediate plans to convert lots to paid parking or any other use.

Ms. Kerner stated the process for termination includes acquiring a signed petition by at least eight percent of registered voters within the District and filing the petition in Circuit Court against the governing body of the SBD. She added the SBD governing body is City Council and outside counsel would be requested to represent voters. Ms. Kerner noted if the Court approves the proposed, City Staff would work with the Greene County Clerk to hold a required termination vote within the District. She displayed an outline of the necessary steps to authorize City Council to terminate the SBD pursuant to State law.

Councilman Simpson asked for clarification on City Council's request for outside counsel. Ms. Kerner confirmed outside counsel would be the Petitioner in the proposed termination of the SBD.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

New city job titles

Sponsor. Fisk. Council Bill 2019-102. A general ordinance amending Chapter 2, Section 2-92 of the Springfield City Code, known as the 'Salary Ordinance,' for the purpose of adding seven new job titles and deleting three job titles from the Professional, Administrative and Technical Salary Schedule.

Councilman Schilling stated he would have a motion to amend Council Bill 2019-102 due to an incorrect Classification Grade being listed for the Police Services Administrator job title being deleted by the bill. The title was listed as a Professional, Administrative, and Technical (PAT) 10 when it is a PAT 9.

Councilman Schilling moved to amend Council Bill 2019-102 by replacing the number '10' with the number '9' on Line 72. Councilman Simpson seconded the motion, and it was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison stated the proposed would allow for career laddering in the Police Department Records Division to address staffing needs, ensure data integrity, and re-classify certain job titles within the department. Additionally, no new jobs would be added. Ms. Morrison stated it would also allow for the re-classification of certain job titles in the Planning and Development and Environmental Services Departments, and add a new job title within the Parks Department at the Valley Water Mill Park Equestrian Center. She noted all funds required for all job titles were projected and approved in the current Fiscal Year, or re-allocated, so no budget adjustments are required.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

**Additional Funding
Contribution and
Three-Tenths
Percent Multiplier**

Sponsor. Hosmer. Council Bill 2019-103. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, by amending Section 2-455, 'Amount of employee contributions; deductions from salary,' by revising provisions regarding Police participants' Additional Funding Contribution and Additional Three-Tenths Percent Multiplier and by amending Section 2-456, 'Return of participant contributions upon leaving service or death' by revising provisions regarding the return of contributions to certain Police participants.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison stated the proposed amendments would affect Police Department specific employees hired prior to June 1, 2006 and address revisions specific to future contributions for current Police Department specific employees participating in the retirement plan. She added the current plan requires Police Department employees covered under the plan to contribute an Additional Funding Contribution (AFC) to cover the additional Three-Tenths Percent Multiplier, an amount determined every three years based on actuary reports provided to the Board of Trustees of the retirement fund. Ms. Morrison stated the Three-Tenths Multiplier amount is scheduled to be updated this Fiscal Year's budget cycle.

Ms. Morrison stated if the proposed is approved it would institute a cap on future AFC amounts at 20 percent for Police Department participating employees, and require participants to forfeit 2.6 percent of annual contributions made to the plan on or after July 1, 2019. Additionally, if the proposed fails, current Police Department specific employees participating in the plan would be required to contribute an ever-increasing amount to the AFC. She noted the proposed is anticipated to be cost-neutral, recommended by the Police and Fire Fighters Pension Board, and any future liabilities would be assumed by the City.

Councilman Hosmer asked for clarification on collective bargaining negotiations. Ms. Morrison responded it was not negotiated through collective bargaining due to union and non-union Police Department employees participating in the plan and the employees were in support of negotiations protocol.

Mayor Ken McClure thanked City Staff, plan participants and contributors, the Police Department, and the Police and Fire Fighters Pension Board for their dedicated work on the proposed.

An opportunity was given for citizens to express their views. With no speakers, the public hearing was declared closed.

Council Bill 2019-104 and 2019-104 Substitute No. 1 were read simultaneously.

**Short-Term Loan
Establishments
Permit Fee**

Sponsor. Schilling, Hosmer, Ollis, Simpson. Council Bill 2019-104. A general ordinance adopting Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments, including a permit requirement and registration fee.

**Short-Term Loan
Establishments
Substitute No. 1**

Sponsor. Schilling, Hosmer, Ollis, Simpson. Council Bill 2019-104 Substitute No. 1. A general ordinance adopting Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments.

Rhonda Lewsader, City Attorney, provided a brief overview of Council Bill 2019-104 and 2019-104 Substitute No. 1. Ms. Lewsader stated the proposed was modeled after similar ordinances in Kansas City, Missouri and St. Louis, Missouri. She stated the definition of a Short-Term Loan Establishment (STLE) is an establishment that engages in business of providing money to customers on a temporary basis loan secured by postdated check, paycheck, or car title, or registered as a lender under State or Federal law, including; check cashing, payday loan, and car title loan businesses. Additionally, the definition does not include; charter banks, S&L's, credit unions, mortgage brokers or originators, nonprofits exempt from taxes, organizations certified as Community Development Financial Institutions by the U.S. Treasury, licensed pawnbrokers, or establishments selling consumer goods.

Ms. Lewsader stated under the proposed, a permit would be required for each location defined as an STLE within 60 days of effective date of ordinance, renewed annually, and would be in addition to other permits required by Local, State, or Federal Government entities. She added the proposed permit fee is 5,000 dollars per year or 2,500 dollars per year if there is less than six months left in the year. Ms. Lewsader noted the permit fee would not qualify as a true user fee under the Hancock Amendment and is a tax. Additionally, the fee would not be effective until approved by public vote, and if approved, all parts of the ordinance except the fee would take effect. Ms. Lewsader stated the penalty for violation of the proposed would be a fine not less than 100 dollars and not more than 500 dollars, zero to 180 days in jail, or both.

She added, permits would be required to be posted in a conspicuous place and manner on business' premises, and businesses would be required to post a notice within three feet of where patrons apply for loans that clarifies the following; an STLE is not a bank, savings and loan, or credit union, interest rates and fees are charged (Annual Percentage Rates (APR) of the aggregate of interest rates and fees charged per 100 dollars borrowed), computation of amounts to be paid on an original loan renewed or rolled over without payment of either principal or interest each time (up to six times), warning that default may result in loss of property/garnishment, and notice and explanation of State or Federal rights to rescind the loan agreement. Ms. Lewsader stated the proposed would require permittees to provide patrons a guide regarding alternatives to short-term loans that has been pre-approved by the City.

Ms. Lewsader stated if approved, the proposed becomes effective immediately, except the fee, and if the fee is never approved by voters it never takes effect. She added Council Bill 2019-104 Substitute No. 1 does not include a permit fee and is the same in all other respects as Council Bill 2019-104.

Councilman McGull asked for clarification on Section 70-733 in relation to imprisonment provisions in Kansas City, Missouri and St. Louis, Missouri ordinances. Ms. Lewsader expressed her opinion ordinances in those cities contain imprisonment provisions because implementation of fines only may not detour potential repeat violators.

Councilman Simpson asked for clarification on regulation of interest rates. Ms. Lewsader confirmed State Legislation regulates interest rates and there is a total of three statutes related to short-term loans.

Councilman Schilling asked for clarification on interest rates permitted by State Law and the number of STLEs located in the City. Ms. Lewsader expressed her opinion interest rates have been up to approximately over 400 percent when calculated and it was difficult for City Staff to confirm the number of STLEs located in the City. She added, the Licensing Department licensed approximately 26 STLEs in both 2017 and 2018. Councilman Schilling asked for clarification on licensed STLEs being free-standing businesses or part of a larger organization. Ms. Lewsader responded licenses were issued to businesses providing services defined as those of an STLE.

Councilman Lear asked for clarification on City Council's involvement on the timing of a public vote regarding STLEs. Ms. Lewsader responded City Council could determine when the vote occurs as long as it occurs on an allowable election date. Councilman Lear asked for clarification on the impact of STLE ordinances passed in St. Louis, Missouri and Kansas City Missouri. Ms. Lewsader responded an ordinance imposing a fee on STLEs has been in place since 2008 when Kansas City voters approved the bill, and many businesses affected by the fee altered their business model to avoid being charged. She added due to altered business models, Kansas City modified their definition of STLEs, held another public vote in 2015, and voters again approved imposing a fee for STLEs. Councilman Lear asked for clarification on Kansas City or St. Louis litigation due to the approval of fees for STLEs. Ms. Lewsader expressed her opinion there have been no legal implications in either city for implementing a fee.

Mayor McClure asked for clarification on the permit fee requiring a public vote. Ms. Lewsader confirmed the permit fee would be considered a tax by law because it does not meet the five requirements to be a true user fee.

Councilwoman Ferguson expressed concern for language in the proposed that would prevent fees imposed on STLEs being passed on to patrons applying for loans. Ms. Lewsader expressed her opinion there is no language in Kansas City or St. Louis ordinances preventing fee costs from being passed on to patrons.

Mayor Ken McClure asked for clarification on interest rates in Kansas City being affected by the passing of their ordinance. Ms. Lewsader expressed her opinion she was unsure of any effect the ordinance may have had on interest rates. Mayor McClure asked for clarification on similar restrictions and/or fees imposed on other types of businesses non-related to STLEs. Ms. Lewsader expressed her opinion City Council could theoretically impose a fee on any business in the City and if approved by public vote, the fee could be adopted. Mayor McClure asked for clarification on the intended result of the proposed. Ms. Lewsader deferred comment to the Finance and Administration Committee.

Councilman McGull asked for clarification on City Staff's ability to provide copies of STLE ordinances from Kansas City and St. Louis. Ms. Lewsader responded she will provide both copies to City Council on a later date. She added the proposed differs from ordinances in Kansas City and St. Louis due to the Springfield Police Department finding no association between

STLEs and increased crime in the area, therefore, the proposed contains no sections related to crime prevention.

Councilman Lear asked for clarification on defining how the City would utilize the proposed fee revenue. Ms. Lewsader responded pursuant to City Code, fees collected by the City go to the General Revenue Fund, but City Council has authority to amend the proposed to direct fee revenue to different funds.

Mayor McClure asked for clarification on the proposed affecting interest rates charged by STLEs and State General Assembly altering interest rates. Ms. Lewsader confirmed the proposed would have no effect on interest rates and State Legislature has oversight on interest rates.

Councilwoman Ferguson asked for clarification on ordinances passed in Kansas City and St. Louis affecting the number of STLEs in those communities. Ms. Lewsader responded she did not have that information for City Council at this time.

An opportunity was given for citizens to express their views.

Edna Smith spoke in favor of the proposed. Ms. Smith stated she volunteers for Safe to Sleep, an overnight emergency shelter for women in the Community. Ms. Smith expressed her opinion several women like those at the shelter begin spiraling into homelessness due to repercussions from acquiring payday loans. She expressed her opinion implementing a permit fee for STLEs would help keep funds in our Community and asked City Council to support the proposed.

Councilman Simpson expressed his opinion interest rates for payday loans are too high and asked for clarification on alternative resources being offered to citizens seeking financial assistance. Ms. Smith responded there is a church in the City offering assistance to citizens.

Reverend Colin Douglas spoke in favor of the proposed. He expressed his opinion payday loans contribute to cyclical poverty and systemic racism in the Community. He expressed his opinion payday loan interest rates are too high and do not allow borrowers to keep up with payments. Reverend Douglas asked City Council to support the proposed.

Mayor McClure expressed his opinion if City Council passed the proposed, it would not instigate the changes in the payday loan industry that Reverend Douglas spoke to. Reverend Douglas expressed his opinion imposing a fee would reduce unfair practices by STLEs and reduce the total number of STLEs. Mayor McClure expressed his opinion a permit fee would not lower current interest rates.

Councilman McGull expressed his opinion the development of the STLE industry is due in part to a systematic failure of financial institutions that no longer provide resources or loans to individuals at risk. Councilman McGull expressed his opinion more effort should be made towards credit unions, banks, and other financial institutions in the Community that are not offering financial options for citizens.

Margery West spoke in favor of the proposed. Ms. West stated she is a member of the League of Women Voters, a non-partisan organization. She stated the League of Women Voters in the State of Texas support policies, legislation, and programs that enable a small-dollar loan market that maintains access to affordable credit while safe-guarding consumers. Additionally, payday loan and auto title loan businesses should be regulated so that they function both as a consumer service and a successful business. She expressed her opinion imposing a fee would help regulate STLEs.

Barbara Burgess spoke in favor of the proposed. Ms. Burgess stated she was asked to share her personal story and experience with STLEs and stated how she helped provide for her parents and family utilizing payday and auto title loans. She stated she worked several jobs in attempt to pay back high interest rates on those loans. She expressed her support for imposing a fee on STLEs and asked City Council to support the proposed.

Alex Johnson spoke in favor of the proposed. Mr. Johnson expressed his opinion other financial institutions should do more to offer assistance to those at risk because high interest rates on payday loans are harming the Community. He expressed his opinion imposing a fee would limit the number of STLEs located in our Community and keep valuable monetary resources in our Community.

Susan Schmalzbauer spoke in favor of the proposed. Ms. Schmalzbauer stated she is the organizer for Missouri Faith Voices in Springfield and read a personal statement provided by Reverend George Wood. Reverend Wood expressed his opinion City Council could make the STLE industry costlier to STLE businesses by imposing a fee. Reverend Wood expressed support of the proposed. Ms. Schmalzbauer provided City Council copies of the business model for Ace Loans. She expressed her opinion future State Legislation on STLEs could be affected by action taken by the City.

Megan Short spoke in opposition of the proposed fee. Ms. Short expressed concern for the proposed substitute bill making it possible for the City to implement fees on other businesses and industries non-related to the STLE industry. She expressed her opinion STLE practices are harmful, but City Council should consider the potential implications on all businesses in the Community.

Kathy Lutz spoke in favor of the proposed. She expressed her opinion she is a survivor of the STLE industry. She stated she knew of University Heights Baptist Church and the Northwest Project as two entities in the Community acting as alternative resources for local citizens in need of financial assistance. She stated she utilized payday and auto title loans to finance medical expenses and was able to pay off the loans utilizing the assistance of the Northwest Project. Ms. Lutz expressed her support of the proposed.

Councilwoman Ferguson asked for clarification on if there was any detourant at the STLE that Ms. Lutz utilized that would have altered her decision to acquire the loans. Ms. Lutz responded there were no alternative resources and expressed her opinion additional signage with more information about interest rates should be posted at all STLEs.

Councilman McGull asked for clarification on the STLE utilized by Ms. Lutz providing education on borrower's rights. Ms. Lutz stated no education or information was provided. Councilman McGull expressed his opinion legislating STLEs in the City to provide additional information to borrowers about loan default processes and borrowers' Federal rights prior to those borrowers signing loan documents could be an effective way to provide additional regulation.

Councilman Simpson expressed his opinion requiring STLEs to post borrowers State and Federal rights, alternative resources, and other short-term loan lending rights are good forms of regulation. Councilman McGull expressed his opinion STLEs should be required to obtain proof that they provide borrowers with that type of information.

Justin Burnett spoke in favor of the proposed. He stated he would share the personal experience of a citizen who acquired a short-term loan. Mr. Burnett stated the citizen had to take on a second job to attempt to pay off a short-term loan he secured six years prior. He expressed his

opinion the most important aspect of the proposed is the knowledge it could provide to members of the Community considering the services of STLEs.

Councilman McGull expressed his opinion STLEs should be required to provide a signed document stating they explained all terms and re-payment conditions to borrowers, similar to a signed closing costs statement in the real estate industry.

Derrick Nowlin spoke in favor of the proposed. Mr. Nowlin expressed his opinion imposing a fee for STLEs in the City would provide much needed regulation of the industry and City Council's support of the proposed could help enforce regulation.

Jeff Munzinger spoke in favor of the proposed. Mr. Munzinger stated he spoke with voters about payday loans in the City during his two campaigns running for State Legislature. He stated 12 States have outlawed payday loans and expressed his opinion Missouri State Legislature has failed to address the STLE industry. Mr. Munzinger expressed his opinion potential borrowers are often encouraged to borrow more than they may need to increase the profit opportunities for STLEs.

Mayor McClure thanked Mr. Munzinger for his comments and asked his opinion if the ultimate and only solution to the STLE issue is amendment to State Legislature. Mr. Munzinger expressed his opinion State Legislature must be changed and asked City Council to endorse reform on STLEs. Mayor McClure expressed his opinion City Council has already endorsed reform and there could be unintended consequences if the proposed is adopted.

Councilman Hosmer expressed his opinion if State Legislature continues to fail on addressing STLE industry issues, City Council should prioritize educating borrowers. Councilman Hosmer expressed his opinion if the proposed is passed, fee revenue should not go into City General Funds, but be utilized to further educate citizens on the STLE industry and provide information on alternative lending resources. Mr. Munzinger expressed his opinion the majority of profits from STLEs in the City are acquired by out of State institutions.

Councilman Hosmer expressed his opinion State Representatives look to City legislation when deciding on issues such as STLE practices. Mayor McClure expressed his opinion City Council does not have clear legal authority to impose a fee for STLEs in the City. Councilman Hosmer expressed his opinion imposition of a fee for STLEs should be a matter of public vote. Mayor McClure expressed his opinion City Council imposing a fee on STLEs could put other non-STLE businesses in the City at risk of being imposed a fee.

Councilman Schilling asked Mr. Munzinger if he had experience securing a short-term loan from a local bank. Mr. Munzinger stated he had received a small personal short-term loan of 600 dollars several years prior from a local bank. Councilman Schilling stated he had previous experience securing small short-term loans of 50 to 100 dollars from a local bank several years prior. Councilman Schilling expressed his opinion the interest rate on those loans was reasonable and banks do not offer still those types of loans because they are not profitable. Mr. Munzinger expressed his opinion the local banks are not interested in providing small, short-term loan services.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Did not appear

Austin Brooks wished to address City Council.

NEW BUSINESS.

**Records
Destruction**

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

UNFINISHED BUSINESS.

MISCELLANEOUS.

The following bills appeared on the agenda under Consent Agenda First Reading Bills.

LiveScan Station

Sponsor. Lear. Council Bill 2019-105. A special ordinance authorizing the City Manager, or his designee, to accept the donation of a LiveScan Station, valued at \$18,125.00, from the Missouri Police Chiefs Charitable Foundation.

**3044 E. Gasconade
Street**

Sponsor. Simpson. Council Bill 2019-106. A special ordinance approving the conveyance of real property generally located at 3044 East Gasconade Street, to the heirs of Velmar M. Hill; and authorizing the issuance of a quit claim deed for same.

CONSENT AGENDA ONE READING BILLS.

CONSENT AGENDA SECOND READING BILLS.

**3308 W. Chestnut
Expressway**

Sponsor. Ferguson. Council Bill 2019-080. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Stubbs Subdivision generally located at 3308 West Chestnut Expressway, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2019-080. Special Ordinance 27172 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

**1777 N. Packer
Road, Sparkling
Heights
Subdivision**

Sponsor. Ferguson. Council Bill 2019-081. A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, as shown on the Preliminary Plat of Sparkling Heights Subdivision generally located at 1777 North Packer Road, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

Council Bill 2019-081. Special Ordinance 27173 was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Abstain: None. Absent: None.

Confirmed

Confirm the following appointment to the Public Housing Authority: Rusty Worley with term to expire April 11, 2020.

Confirmed

Confirm the following reappointment to the Public Housing Authority: Lisa McIntire with term to expire April 11, 2023.

- Confirmed** Confirm the following appointment to the Springfield Convention and Visitors Bureau, Inc.: Todd Brage with term to expire January 1, 2022.
- Confirmed** Confirm the following reappointment to the Springfield Convention and Visitors Bureau, Inc.: Brent Parker with term to expire January 1, 2022.
- Confirmed** Confirm the following appointment to the Board of Equalization: Janet Blair with term to expire April 1, 2022.
- Confirmed** Confirm the following reappointment to the Board of Equalization: Lyle Foster with term to expire April 1, 2022.
- Confirmed** Confirm the following appointment to the Citizens Advisory Committee for Community Development: Trish Hubbell with term to expire May 1, 2022.
- Confirmed** Confirm the following reappointment to the Citizens Advisory Committee for Community Development: Delilah Jackson with term to expire May 1, 2022.
- Confirmed** Confirm the following reappointments to the Citizens' Tax Oversight Committee: Daniel Furtak and Ryan Kelly with terms to expire May 1, 2022.
- Confirmed** Confirm the following appointment to the Landmarks Board: Richard Crabtree with term to expire November 1, 2021.
- Confirmed** Confirm the following appointment to the Police Civilian Review Board: Samantha Spartan with term to expire May 1, 2022.
- Confirmed** Confirm the following reappointment to the Police Civilian Review Board: Chris Nease with term to expire May 1, 2022.
- Confirmed** Confirm the following reappointments to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Nancy Martin-Hinds and Justin Milam with terms to expire April 30, 2022.

END OF CONSENT AGENDA.

ADJOURN.

There being no further business, the meeting adjourned at approximately 9:24 p.m.

Prepared by
Melissa Carman

Anita J. Cotter, CMC/MRCC
City Clerk

April 30, 2019
Springfield, Missouri

The City Council met in special session April 30, 2019 in the Councilman Denny Wayne Conference Room (Busch Building, 4th Floor). The meeting was called to order by Mayor Ken McClure.

Roll Call Present: Richard Ollis, Andrew Lear, Phyllis Ferguson, Matthew Simpson, Abe McGull, Mike Schilling, Jan Fisk, Craig Hosmer, and Ken McClure. Absent: None.

SECOND READING

RESOLUTIONS

EMERGENCY BILLS

PUBLIC IMPROVEMENTS

GRANTS

AMENDED BILLS

PUBLIC HEARING

FIRST READING

NEW BUSINESS

UNFINISHED BUSINESS

MISCELLANEOUS

CONSENT AGENDA FIRST READING BILLS

CONSENT AGENDA ONE READING BILLS

CONSENT AGENDA SECOND READING

END OF CONSENT AGENDA

Closed Session Councilman Hosmer moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and this meeting, record, and vote shall be closed and the City Council shall stand adjourned at the end of the closed session.

Councilman McGull seconded the motion, and it was approved by the following vote: Ayes: Ollis, Lear, Ferguson, Simpson, McGull, Schilling, Fisk, Hosmer, and McClure. Nays: None. Absent: None. Abstain: None.

Anita J. Cotter, CMC/MRCC
City Clerk

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 05-01-19

Sponsored by: City Council

COUNCIL BILL 2019-107 RESOLUTION

A RESOLUTION

1 RECOGNIZING the 2018-2019 Drury University Lady Panthers basketball team, under
2 the guidance and leadership of Head Coach Molly Miller, Assistant
3 Coaches Emily Ragsdale and Buck Scheel, and Graduate Assistant
4 Coach Rachel Swartz, upon advancing to the National Collegiate
5 Athletic Association 2019 Division II Women's Basketball Final Four.
6
7

8 WHEREAS, the Drury University Lady Panthers reached the National Collegiate
9 Athletic Association (NCAA) Division II Final Four for the first time in 15 seasons; and
10

11 WHEREAS, the Lady Panthers won the 2019 Women's Basketball Midwest
12 Region Championship, marking their fourth regional title in program history; and
13

14 WHEREAS, the Lady Panthers record of 35-1 resulted in the best winning
15 percentage in team history, and 35 wins marked the third straight 30-win season for the
16 program; and
17

18 WHEREAS, this is the first Lady Panthers team in the 40-year history of the
19 Great Lakes Valley Conference (GLVC) to go undefeated in the regular season and win
20 the GLVC conference tournament in that same season, and the first team in league
21 history to win the league championship for a third straight season; and
22

23 WHEREAS, Drury Head Coach Molly Miller was named the National Coach of
24 the Year in Division II by the Women's Basketball Coaches Association (WBCA), and
25 Coach of the Year in the GLVC; and
26

27 WHEREAS, junior Hailey Diestelkamp is a finalist for the NCAA-II Female Athlete
28 of the Year Award, was named National Player of the Year in Division II by the WBCA,
29 and named MVP of the GLVC Tournament and NCAA-II Midwest Regional Tournament;
30 and junior Daejah Bernard and Hailey Diestelkamp were named All-Americans by the
31 WBCA; and
32

33 WHEREAS, the Lady Panthers led the nation in NCAA Division II women's
34 basketball in steals, turnover ratio, and scoring margin for the 2018-2019 season.

35
36 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
37 SPRINGFIELD, MISSOURI, as follows, that:
38

39 Section 1 – City Council hereby congratulates the Drury University Lady
40 Panthers basketball team for their magnificent season, well deserved and earned by
41 commitment, determination, and teamwork, and commends them for advancing to and
42 competing in the NCAA 2019 Division II Women's Basketball Final Four.
43

44 Section 2 – This Resolution shall be effective immediately upon adoption.
45

46 Passed at meeting: _____
47
48

49 _____
50 Mayor
51

52 Attest: _____, City Clerk
53
54

55 Filed as Resolution _____
56
57

58 Approved as to form: Rhonda Lewsader, City Attorney
59

60 Approved for Council action: Jason A. Hage, City Manager
61

EXPLANATION TO COUNCIL BILL 2019-107

FILED: 05-01-19

ORIGINATING DEPARTMENT: City Council

PURPOSE: Recognizing the 2018-2019 Drury University Lady Panthers basketball team, under the guidance and leadership of Head Coach Molly Miller, Assistant Coaches Emily Ragsdale and Buck Scheel, and Graduate Assistant Coach Rachel Swartz, upon advancing to the National Collegiate Athletic Association 2019 Division II Women's Basketball Final Four.

BACKGROUND INFORMATION: The Lady Panthers reached the NCAA Division II Final Four for the first time in 15 years and won the Midwest Region Championship marking their fourth regional title in program history.

The Lady Panthers 35-1 season record resulted in the best winning percentage in team history, their 35 wins marked the third-straight 30-win season for the program, and they were the first team in the 40-year history of the Great Lakes Valley Conference (GLVC) to go undefeated in the regular season and win the conference tournament in the same year; they were also the first team in league history to win the league championship for a third straight season.

Drury Head coach Molly Miller was named the National Coach of the Year in Division II by the Women's Basketball Coaches Association (WBCA) and Coach of the Year in the GLVC, while junior Hailey Diestelkamp was named the National Player of the Year in Division II by the WBCA and is a finalist for the NCAA-II Female Athlete of the Year.

Hailey Diestelkamp was named the Most Valuable Player of the GLVC Tournament and the NCAA-II Midwest Regional Tournament, and junior Daejah Bernard and Hailey Diestelkamp were named All-Americans by the WBCA.

The Lady Panthers led the nation in Division II women's basketball in steals, turnover ratio, and scoring margin during their magnificent 2018-2019 season, culminating with an appearance in the NCAA Division II Women's Final Four.

2018-2019 Drury Lady Panthers Roster

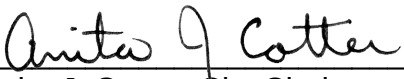
#5 Daejah Bernard	G	5-7	Jr.	St. Joseph, MO	Benton HS
#14 Paige Robinson	G	5-10	Fr.	Bethany, IL	Okaw Valley HS
#15 Adene Edwards	C	6-3	Fr.	Troy, MO	Troy-Buchanan HS
#20 Lauren Shipley	G	5-8	So.	Adrian, MO	Adrian HS
#21 Payton Richards	G	5-6	So.	West Plains, MO	West Plains HS
#22 Lauren Holmes	G	5-9	So.	Fayetteville, AR	Fayetteville HS / North Texas
#23 Azia Lynch	F	6-0	So.	Overland Park, KS	Blue Valley HS
#24 Lucia Fernandez	F	6-2	Sr.	Madrid, Spain	Club HM / Ball State Univ.

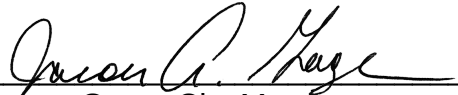
#25 Zoey Mullings	G	5-8	Fr.	Strafford, MO	Strafford HS
#30 Brooke Stanfield	F	5-10	Jr.	Republic, MO	Republic HS
#32/55 Shelby Myers	C	5-11	Fr.	Effingham, IL	Effingham HS
#33 Emily Parker	F	6-1	So.	Aurora, MO	Aurora HS
#34 Hailey Diestelkamp	F	5-11	Jr.	Owensville, MO	Owensville HS

REMARKS: Staff recommends approval

Submitted and Recommended by:

Approved by:


 Anita J. Cotter, City Clerk


 Jason Gage, City Manager

One-rdg. X
P. Hrngs.
Pgs. 4
Filed: 05-01-19

Sponsored by: City Council

COUNCIL BILL 2019-108 RESOLUTION

A RESOLUTION

1 RECOGNIZING the 2018-2019 Missouri State University Lady Bears basketball team,
2 under the guidance and leadership of Head Coach Kellie Harper,
3 Assistant Coaches Jon Harper, Jessica Jackson, and Jackie Stiles,
4 and Director of Operations Ashley Houts, upon advancing to the
5 National Collegiate Athletic Association 2019 Division I Women's
6 Basketball Tournament Sweet Sixteen.
7
8

9 WHEREAS, the Missouri State University Lady Bears finished with a record of 25
10 wins and 10 losses, including 16 wins and 2 losses in the Missouri Valley Conference;
11 and
12

13 WHEREAS, the Lady Bears defeated Loyola University, University of Northern
14 Iowa, and Drake University to win the school's 11th Missouri Valley Conference (MVC)
15 Tournament Title; and
16

17 WHEREAS, the Lady Bears earned a No. 11 seed in the National Collegiate
18 Athletic Association (NCAA) Tournament, defeating sixth-seeded and 24th-nationally
19 ranked DePaul University in the first round of the tournament, before defeating third-
20 seeded and 13th-nationally ranked Iowa State University on its home floor to advance to
21 the Sweet 16 for the fourth time in program history; and
22

23 WHEREAS, Missouri State was one of nine teams remaining in the NCAA
24 Tournament when it played No. 2-seeded and sixth-nationally ranked Stanford
25 University Cardinal in the Sweet 16; and
26

27 WHEREAS, the Lady Bears won 24 of their final 27 games, including; ten
28 consecutive true road victories, 13 straight overall wins, 16 consecutive road/neutral
29 wins, and completed a perfect 9-0 MVC road record for the first time in school history;
30 and
31

32 WHEREAS, the Lady Bears entered the national rankings in the 24th position of
33 the final USA Today Coaches Poll.
34

35 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
36 SPRINGFIELD, MISSOURI, as follows, that:

37
38 Section 1 – City Council hereby congratulates the Missouri State University Lady
39 Bears basketball team for their outstanding season, well deserved and earned by
40 teamwork, fair play, and dedication, and commends them for advancing to the NCAA
41 2019 Division I Women’s Basketball Tournament Sweet Sixteen.

42
43 Section 2 – This Resolution shall be effective immediately upon adoption.

44
45 Passed at meeting: _____

46
47
48 _____
49 Mayor

50
51 Attest: _____, City Clerk

52
53
54 Filed as Resolution _____

55
56
57 Approved as to form: Rhonda Lewsader, City Attorney

58
59
60 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019-108

FILED: 05-01-19

ORIGINATING DEPARTMENT: City Council

PURPOSE: Recognizing the 2018-2019 Missouri State University Lady Bears basketball team, under the guidance and leadership of Head Coach Kellie Harper, Assistant Coaches Jon Harper, Jessica Jackson, and Jackie Stiles, and Director of Operations Ashley Houts, upon advancing to the National Collegiate Athletic Association 2019 Division I Women's Basketball Tournament Sweet Sixteen.

BACKGROUND INFORMATION: The Lady Bears finished with a 25-10 overall record and 16-2 mark in the Missouri Valley Conference, culminating with them winning the Missouri Valley Conference Tournament (MVC) for the 11th time, advancing to the NCAA Tournament for the 15th time, and reaching the Sweet 16 in the NCAA Tournament for the fourth time in school history.

The Lady Bears defeated three consecutive top-25 opponents for the first time in school history in March 2019 en route to reaching postseason tournament play for the fifth consecutive season, winning 10 consecutive true road games, a school record, and 16 consecutive games away from home (road and neutral) from December 20, 2018 to March 25, 2019.

Missouri State University (MSU) had a 13-game win streak during the season and extended its conference streak to 17 consecutive victories as senior Danielle Gitzen earned First-Team All-MVC honors, and sophomore Brice Calip, freshman Jasmine Franklin and junior Alexa Willard were named honorable mention All-MVC.

Danielle Gitzen was named MVC All-Defensive Team and MVC Scholar-Athlete First Team, Alexa Willard was named the MVC Tournament Most Valuable Player and MVC Scholar-Athlete Second Team member, and Jasmine Franklin set MSU freshman records for blocks and rebounds as the first player in school history and only freshman nationally with 40 blocks and 40 steals in a season.

Danielle Gitzen and Alexa Willard both reached 1,000 career points during the NCAA First Round game against DePaul University, ten Lady Bears scored at least 100 points on the season, a first in program history, and MSU scored the third-most points and had the second-most rebounds in school history.

Kellie Harper earned the MVC and Kay Yow Coach of the Year Awards for an outstanding 2018-2019 Lady Bears season highlighted by an appearance in the NCAA Division I Women's Sweet Sixteen.

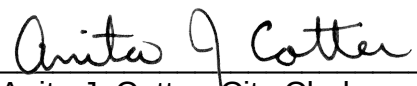
2018-2019 Missouri State Lady Bears Roster

#1 Danielle Gitzen	Guard	5-10	Sr.	Victoria, Minn. / Chanhassen High
#2 Elle Ruffridge	Guard	5-3	So.	Pocahontas, Iowa / Pocahontas Area High
#4 Abby Hipp	Forward	6-2	So.	Kansas City, Mo. / St. Pius X High
#11 Brice Calip	Guard	5-8	So.	Sapulpa, Okla. / Sapulpa High
#12 Sydney Schultz	Forward	6-2	So.	Aurora, Ill. / Oswego East High
#21 Sydney Wilson	Guard	5-11	Fr.	Overland Park, Kan. / Olathe East High
#22 Alexa Willard	Guard	6-2	Jr.	Lebanon, Mo. / Stoutland High
#23 Mya Bhinhar	Guard	5-9	Fr.	Owasso, Okla. / Owasso High
#24 Bri Ellis	Guard	5-7	So.	Columbia, Mo. / Rock Bridge High
#25 Dariauna Lewis	Forward	6-0	Fr.	Omaha, Neb. / North High
#30 Shameka Ealy	Forward	6-1	Jr.	Russellville, Ark. / Russellville High
#32 Jasmine Franklin	Forward	6-1	Fr.	Fayetteville, Ark. / Fayetteville High
#34 Sydney Manning	Guard	5-9	Fr.	Edmond, Okla. / Cashion High
#50 Emily Gartner	Center	6-4	So.	Hiawatha, Kan. / Hiawatha High

REMARKS: Staff recommends approval

Submitted and Recommended by:

Approved by:


Anita J. Cotter, City Clerk


Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 91
Filed: 04-30-19

Sponsored by: Schilling

First Reading: _____
SECOND AMENDED
COUNCIL BILL 2019- 078

Second Reading: _____
GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land
2 Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through
3 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-
4 425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section
5 36-474; for the purpose of allowing the sale of Medical Marijuana as
6 required by Article XIV of the Missouri Constitution. (Planning and Zoning
7 Commission and Staff recommend approval.)
8 _____
9

10 WHEREAS, on November 6, 2018, the voters of the State of Missouri, passed
11 Amendment 2, creating Article XIV of the Missouri Constitution authorizing the
12 controlled sale of Marijuana for medical purposes; and directing the State to adopt
13 regulations to allow for the cultivation, processing, testing, and sale of Medical
14 Marijuana, and;
15

16 WHEREAS, Article XIV and the regulations promulgated pursuant to same place
17 certain limits and restrictions on local governments power to regulate the cultivation,
18 processing, testing, and sale of Medical Marijuana, and;
19

20 WHEREAS, to protect the welfare of the citizens, provide access as required by
21 law, and ensure the safe, efficient and lawful implementation of Article XIV the following
22 amendments to the City Code are proposed, and;
23

24 WHEREAS, a public hearing was held before the Planning and Zoning
25 Commission on March 28, 2019, and Planning and Zoning Commission recommended
26 approval of the proposed changes.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:
30

31 Section 1 – Chapter 36 of the Springfield, Missouri, City Code, known as the
32 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
33 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-

34 431, 36-432, 36-433, and 36-434 are hereby amended and a new section 36-474 is
35 hereby enacted to allow for the sale of Medical Marijuana as required by Article XIV of
36 the Missouri Constitution.

37
38 (Note: Revisions to Chapter 36 of the Springfield, Missouri, City Code, known as
39 the 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
40 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-
41 431, 36-432, 36-433, and 36-434 as well as a new section 36-474, are set forth in
42 "Second Amended Exhibit 1," which is attached hereto and incorporated herein by this
43 reference as if set forth verbatim. Underlined language is to be added. Language to be
44 removed is ~~stricken~~.)

45
46 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
47 affect any suit or proceeding now pending in any court or any rights acquired, or liability
48 incurred nor any cause or causes of action accrued or existing, under any act or
49 ordinance repealed hereby, or shall any right or remedy of any character be lost,
50 impaired, or affected by this Ordinance.

51
52 Section 3 - Severability Clause. If any section, subsection, sentence, clause, or
53 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
54 affect the validity of the remaining portions of this Ordinance. City Council hereby
55 declares that it would have adopted the Ordinance and each section, subsection,
56 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
57 sections, subsections, sentences, clauses, or phrases be declared invalid.

58
59 Section 4 - This Ordinance shall be in full force and effect from and after
60 passage.

61
62 Passed at meeting: _____

63
64
65 _____
66 Mayor

67 Attest: _____, City Clerk

68
69 Filed as Ordinance: _____

70
71
72 Approved as to form: , Assistant City Attorney

73
74
75 Approved for Council action: , City Manager

**SUPPLEMENTAL EXPLANATION TO SECOND AMENDED COUNCIL BILL
2019-078**

ORIGINATING DEPARTMENT: LAW

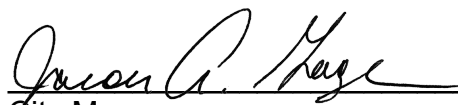
On April 22, 2019, Amended Council Bill 2019-078 was heard by City Council. At the conclusion of the public hearing, Council voted to accept a proposed amendment offered by Councilman Hosmer relating to distances between Medical Marijuana facilities and churches, schools and child day care centers, and removing the definition of Child Day Care. This "Second Amended Bill" and "Second Amended Exhibit 1," sets forth the amended language.

Submitted by:



Assistant City Attorney

Approved by:



City Manager

SUPPLEMENTAL EXPLANATION TO AMENDED COUNCIL BILL 2019-078

ORIGINATING DEPARTMENT: LAW

On April 8, 2019, Council Bill 2019-078 was heard on first reading by the City Council. At the conclusion of the public hearing, Council voted to amend the Bill by substituting "Amended Exhibit 1," for the original, which set forth amended language removing from the original bill the limitations on hours that facilities may be open to the public.

This Amended Bill includes "Amended Exhibit 1."

Submitted by:


Assistant City Attorney

Approved by:


City Manager

SUPPLEMENTAL EXPLANATION TO COUNCIL BILL 2019- 078

FILED: 04-02-19

ORIGINATING DEPARTMENT: LAW

PURPOSE: Report on Planning and Zoning Proceedings and Recommendation for Amendment.

BACKGROUND: On March 28, 2019, the Planning and Zoning Commission ("Commission") heard staff's presentation on the proposed Medical Marijuana Ordinance. After much discussion the Commission recommended that the proposed ordinance be amended to remove the limitation on the hours medical marijuana facilities may be open to the public as found in 36-421(7)(b)(vii) and 36-474(2)(e).

The Commission responded to testimony that limiting off hours access to some of the cultivation and processing facilities only to employees would prohibit a service call during off hours from HVAC, electrical or plumbing trades to deal with emergency situations. They also felt that the hours for dispensary operations should follow those for pharmacies, some of which operate 24 hours. This would allow the market to set the hours for dispensary operations.

The Commission voted unanimously to "amend" the bill by striking the limitations on public sale. While the Commission voted specifically to do this to the language cited above in 36-421, the identical language appears also in 36-321 and 36-474.

With this "amendment" the Commission voted to approve the amended Medical Marijuana amendments 9-0.

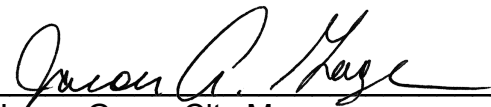
Staff supports passage of the bill with Commission's recommended amendment.

The City Council may accept the recommendation of the Commission and make such changes, make other changes, or pass the bill as filed and presented.

Submitted by:


Assistant City Attorney

Approved by:


Jason Gage, City Manager

EXPLANATION TO COUNCIL BILL 2019 -078

FILED: 04-16-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474 to allow for the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA AMENDMENTS

City Council initiated amendments to the Zoning Ordinance in regard to medical marijuana facilities on February 25, 2019.

Missouri voters approved Amendment 2 to the Missouri Constitution ("Article XIV") on November 6, 2018. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture, and sale. The amendment establishes a schedule for implementation which includes August 3, 2019, as the first date to make application for a state license to operate a medical marijuana facility. Applicants for a state license will need to include a specific location in their application. Because of that, the City of Springfield needs to identify those zoning districts where the specific uses will be permitted.

Article XIV states that no local government shall prohibit medical marijuana facilities or entities with a transportation certification "either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome." It also states that local governments "may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality."

Article XIV also places limitations that unless allowed by the local government, no new medical marijuana facility "shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church."

Staff is proposing these medical marijuana uses in districts that permit similar non-medical marijuana uses. Staff has also evaluated what impacts these facilities might have on surrounding land uses. Staff has reviewed other Missouri communities who have already proposed or approved ordinance changes i.e. North Kansas City, Maryland Heights, Warrensburg, etc.

Article XIV lists four types of medical marijuana facilities: cultivation, testing, marijuana-infused manufacturing and dispensaries. Staff has used similar definitions as recommended by the State.

1. A medical marijuana cultivation facility is a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused product manufacturing facility. Staff believes this is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is proposing that this use also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV. Staff is concerned about the effects of odor from these types of facilities and recommends a Conditional Use Permit if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.
2. A medical marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana. Staff believes this is similar to a medical testing laboratory which is allowed as a medical office use; however, the Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent." Staff is taking this recommendation and proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is also recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV.
3. A medical marijuana-infused manufacturing facility is a facility licensed by the State 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. Staff is proposing two types of marijuana-infused manufacturing facilities. The first is a Type 1 extraction facility which is a facility which uses combustible gases, CO₂ or other hazardous substances in the marijuana extraction process. This would be permitted in the GM, General Manufacturing and HM, Heavy Manufacturing districts. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street

from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, General Retail, HC, Highway Commercial, CS, Commercial Services, CC, Center City, COM, Commercial Street, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and school, child day care center and church uses. The State will require both an infused-products manufacturing license and dispensary license which will be subject to dispensary restrictions if retail sales are part of the business operation.

4. A medical marijuana dispensary is a facility licensed by the State 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 product manufacturing facility. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, General Retail, HC, Highway Commercial, CS, Commercial Services, CC, Center City, and COM, Commercial Street Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and school, child day care center and church uses so as to allow medical access to patients without being overly burdensome. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.

Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest

point of the property line of the school, child day care center, or church. 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, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a "child day care center" is a facility licensed by the City or State.

The following general standards shall apply to all medical marijuana facilities:

- a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- c. No medical marijuana business shall be located in a building that contains a residence.
- d. All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- e. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- f. 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.
- g. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- h. All other City Codes shall apply.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and

Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

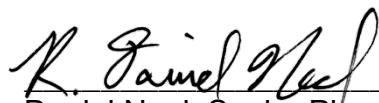
1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 28, 2019 and recommended approval, by a vote of 9 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit 1, Text Amendments
Exhibit A, Record of Proceedings
Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments
Attachment 2, Proposed Amendments

Second Amended Exhibit 1

Sec. 36-303. - General provisions.

- (31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:
- (a) The uses are located on at least 20 acres of land; and
 - (b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and
 - (c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.
 - (d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:
 - 1. The keeping or raising of six or less chicken hens as an accessory use.
 - 2. Beekeeping (domestic honey bees, *Apis Mellifera*) as an accessory use in any district provided:
 - a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.
 - b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.
 - c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.
 - d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.
 - 3. Medical marijuana facilities as defined in this Article.

Sec. 36-321. - Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Church: A building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic

basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

Marijuana or marihuana: *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the State to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

Medical marijuana dispensary facility: A facility licensed by the State 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.

Medical 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-infused products manufacturing facility: A facility licensed by the State 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.

- a) Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the State to acquire, test, certify, and transport marijuana.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Sec. 36-363. - Conditional use permits.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

- (a) With respect to all proposed conditional uses, to the extent applicable:
 - 1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
 - 2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
 - 3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
 - 4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
 - 5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;

15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
 16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
 17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
 18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;
 19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
 20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;
 21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

7. Medical marijuana facilities.

a. Purpose. The purpose of these regulations is to:

- (i) Permit legal sale of medical marijuana as set forth therein and provides detailed obligations for establishing rules and regulation for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;

(ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;

(iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. *Approval standards.* All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:

(i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

A. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

B. 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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.

(ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

(iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(iv) No medical marijuana facilities shall be located in a building that contains a residence.

- (v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- (vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts and uses; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of trips anticipated each day to the site.
- (vii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (viii) 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.
- (ix) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

Sec. 36-421. - GR - General retail district.

(2) *Permitted uses.*

- (q) Medical marijuana dispensary facility. No facility shall be located within one

thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical office use group.

(t) Personal services use group.

(u) Police and fire stations.

(v) Private clubs and lodges.

(w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(x) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(y) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

(~~zx~~) Retail sales use group.

(~~ay~~) Schools or development centers for persons with handicaps or development disabilities.

(~~bz~~) Schools, business.

(~~caa~~) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.

(~~dbb~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 421(2)(b) or (w) if applicable.

(~~eee~~) Taxidermists.

(~~fed~~) Temporary lodging use group.

(~~gee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~hff~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~iig~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.

(~~jhh~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

Sec. 36-422. - HC - Highway commercial district.

(2) Permitted uses.

(bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ee) Medical office use group.

(ff) Nurseries, greenhouses, and garden stores.

(gg) Other towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~hh~~ee) Personal services use group.

(~~ii~~ff) Police and fire stations.

(~~jj~~gg) Private clubs and lodges.

(~~kk~~hh) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~ll~~ii) Public or private vehicle and boat storage garages, yards or lots.

(~~mm~~jj) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water

storage tanks.

(~~nnkk~~) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

(~~ooH~~) Retail sales use group.

(~~ppmm~~) Schools, business.

(~~qqnn~~) Schools or development centers for persons with handicaps or development disabilities.

(~~rrøø~~) Self-service storage facilities.

(~~sspp~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 422(2)(c) or (kk) if applicable.

(~~ttqq~~) Swimming pool sales and displays.

(~~uuFF~~) Taxi dispatch yards and offices.

(~~vvss~~) Taxidermists.

(~~wwtt~~) Temporary lodging use group.

(~~xxuu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~yyvv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~zzww~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~aaax~~) Upholstery shops.

(~~bbby~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities, and kennels. No outside activities shall be permitted for kennels.

Veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(ccczz) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

(fe) Reserved.

(gf) Residential uses on the first floor frontage of a building.

(hg) Soup kitchens.

(ih) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(ji) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;
2. Only one tower is permitted on a lot; and
3. All other provisions of subsection 36-363(10)(b)1. are met.

(kj) Truck stops.

(4) *Use limitations.*

- (a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
- (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.
- (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-423. - CS - Commercial service district.

(2) *Permitted uses.*

- (gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(hh) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(jj) Medical office use group.

(kk) Monument sales.

(ll) Newspaper and magazine distribution agencies.

(mm) Nurseries, greenhouses and garden stores.

(nn) Personal services use group.

(oo) Pest control services.

(pp) Police and fire stations.

(qq) Private clubs and lodges.

(rr) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(ss) Public or private vehicle and boat storage garages, yards or lots.

(tt) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two

additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~uu~~~~ff~~) Retail sales use group.

(~~vv~~~~ss~~) Repair shops, home appliance.

(~~ww~~~~tt~~) Repair shops, small-engine.

(~~xx~~~~uu~~) Schools or development centers for persons with handicaps or development disabilities.

(~~yy~~~~vv~~) Schools, business and industrial.

(~~zz~~~~ww~~) Self-service storage facilities.

(~~aa~~~~xx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bb~~~~by~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~cc~~~~zz~~) Swimming pool sales and display.

(~~dd~~~~aaa~~) Taxi dispatch yards and offices.

(~~ee~~~~bbb~~) Taxidermists.

(~~ff~~~~eee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~gg~~~~ddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hh~~~~eee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(iii) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(iii) Truck stops.

(iii) Upholstery shops.

(iii) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(iii) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. ~~Reserved.~~ No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Soup kitchens.

- (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
 - (h) Warehouses, storage and distribution centers.
- (4) *Use limitations.*
- (a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.
 - (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
 - (c) No vibration, glare, or heat shall be detectable at the district boundary line.
 - (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
 - (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

Sec. 36-424. - CC - Center city district.

(2) *Permitted uses.*

- (bb) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child

day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical office use group.

(ee) Personal services use group.

(ff) Police and fire stations.

(gg) Private clubs and lodges.

(hh) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.

(ii) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(jj) Repair shops, home appliance.

(kk) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).

(ll) Retail sales use group.

(~~mmkk~~) Schools or development centers for persons with handicaps or development disabilities.

(~~nn#~~) Schools, business.

(~~oomm~~) Schools, elementary and secondary.

(~~ppnn~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.

(~~qqee~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~rrpp~~) Taxi dispatch yards and offices.

(~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~tt#~~) Temporary lodging use group.

(~~uuss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~vvtt~~) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(~~wwwu~~) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

- (1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the

older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) *Permitted uses.*

- (a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

13. Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

14. Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

15. Offices, administrative, business, finance, and professional.

16. Offices, medical and dental.

17.15- Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.

18.16- Pet stores and pet grooming.

- ~~19.17.~~ Police and fire stations.
- ~~20.18.~~ Recording studios.
- ~~21.19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
- ~~22.20.~~ Retail sales use group excluding convenience stores with gas pumps.
- ~~23.21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
- ~~24.22.~~ Schools, business.
- ~~25.23.~~ Taverns and cocktail lounges.
- ~~26.24.~~ Temporary uses, as permitted by section 36-452, temporary uses.
- ~~27.25.~~ Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
- ~~28.26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

Sec. 36-430. - RI - Restricted industrial district.

(2) *Permitted uses.*

- (q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

- (s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (t) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (u) Pest control services.
- (v) Police and fire stations.
- (w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (x) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (y) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (z) Schools or development centers for persons with handicaps or development disabilities.

(~~aaw~~) Schools, industrial and business.

(~~bbx~~) Self-service storage facilities.

(~~ccy~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(~~ddz~~) Swimming pool sales and display.

(~~eeaa~~) Taxidermists.

(~~ffb~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~ggee~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~hhd~~) Upholstery shops.

(~~iiee~~) Veterinary clinics, animal hospitals, and kennels, with no outside activities.

(~~jiff~~) Warehouses, storage and distribution centers.

(~~kkgg~~) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(~~cb~~) Soup kitchens.

(~~de~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(~~ed~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(4) *Use limitations.*

- (a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.
- (b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.
- (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-431. - LI - Light industrial district.

(2) *Permitted uses.*

- (p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (q) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical marijuana testing facility. No facility shall be located within one

thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(t) Pest control services.

(u) Police and fire stations.

(v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(w) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~xt~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(~~y~~) Schools, industrial and business.

(~~zv~~) Self-service storage facilities.

(~~aw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(~~bx~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~ccy~~) Swimming pool sales and display.

(~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~ffb~~) Upholstery shops.

(~~ggce~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~hhd~~) Warehouses, storage and distribution centers.

(~~iie~~) Wholesale sales and distribution.

(~~jff~~) Wholesale sales use group.

- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article:

(a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(~~cb~~) Motor freight terminals.

(~~d~~e) Soup kitchens.

(~~e~~f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(~~f~~e) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(~~g~~f) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.

(c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.

(d) All outdoor storage shall be at least 100 feet from any residential district boundary.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-432. - GM - General manufacturing district.

(2) Permitted uses.

- (t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (u) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (w) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (x) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (y) Motor freight terminals.
- (z) Pest control services.
- (aa) Police and fire stations.
- (bb) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (cc) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466,

telecommunication towers.

2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~ddy~~) Recycling centers.

(~~eez~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(~~ffaa~~) Schools, industrial and business.

(~~ggbb~~) Self-service storage facilities.

(~~hhee~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(~~jjdd~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~jjee~~) Swimming pool sales and display.

(~~kkff~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~llgg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~mmhh~~) Upholstery shops.

(~~nnii~~) Vehicle rental, towing and storage services.

(~~oojj~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~ppkk~~) Warehouses, storage and distribution centers.

(~~qqll~~) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.

(d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other

requirements in section 36-474., medical marijuana facilities.

- (f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - (h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (ig) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (jh) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.
 - (b) All outdoor storage shall be at least 100 feet from any residential district boundary.
 - (c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.
 - (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
 - (e) All uses shall operate in accordance with the noise standards contained in

section 36-485, noise standards.

- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-433. - HM - Heavy manufacturing district.

(2) *Permitted uses.*

- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ff) Motor freight terminals.
- (gg) Pest control services.

(~~hh~~) Police and fire stations.

(~~ii~~) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.

(~~jj~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~kkff~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~llgg~~) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(~~mmhh~~) Recycling centers.

(~~nnii~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(~~oojj~~) Schools, industrial and business.

(~~ppkk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(~~qqll~~) Self-service storage facilities.

(~~rrmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(~~ssnn~~) Stockyards or feed lots.

(~~ttoo~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~uupp~~) Swimming pool sales and display.

(~~vvqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~wwrr~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~xxss~~) Upholstery shops.

(~~yytt~~) Vehicle rental, towing and storage services.

(~~zzuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~aaavv~~) Warehouses, storage and distribution centers.

(~~bbbww~~) Wholesale sales.

(~~cccxx~~) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.

- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

- (a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.
- (b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.
- (c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
- (d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.~~
- (e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (f) Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.
- (gf) Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.
- (hg) Processing, reprocessing and storage of PCB containing oils.
- (ih) Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.
- (ji) Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in

said plan.

- (kj) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (lk) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (ml) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

- (a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.
- (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-434. - IC - Industrial commercial district.

(2) *Permitted uses.*

- (y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(z) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or child day care center or within two hundred (200) feet of a then-existing church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical office use group.

(dd) Nurseries, greenhouses and garden stores.

(ee) Upholstery shops.

(ff) Personal services use group.

(gg) Pest control services.

(hh) Police and fire stations.

(ii) Private clubs and lodges.

(jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk) Public or private vehicle and boat storage garages, yards, or lots.

(ll) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466,

telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~mm~~ii) Retail sales use group.

(~~nn~~jj) Schools, professional, commercial, industrial and trade.

(~~oo~~kk) Schools or development centers for persons with handicaps or development disabilities.

(~~pp~~ll) Self-service storage facilities.

(~~qq~~mm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

(~~rr~~nn) Swimming pool sales and display.

(~~ss~~oo) Taxi dispatch yards and offices.

(~~tt~~pp) Taxidermists.

(~~uu~~qq) Temporary lodging use group.

(~~vv~~rr) Temporary uses, as permitted by section 36-452, temporary uses.

(~~ww~~ss) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~xx~~tt) Upholstery shops.

(~~yy~~uu) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~zz~~vv) Warehouses, storage and distribution centers.

(~~aa~~ww) Wholesale sales use group.

- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.
- (a) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.
 - (b) Go-cart tracks.
 - (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved.~~ No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (d) Motor freight terminals.
 - (e) Soup kitchens.
 - (f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (h) Truck stops.
 - (i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
 - (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
 - (d) Storage may be maintained outside a building in side yards or rear yards if

such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.

- (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

(1) Purpose. The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) Medical marijuana facility standards. Medical marijuana facilities as defined shall follow the regulations of this article.

- (a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- (c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.
 - 1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

- 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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 - 3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.
 - 4) For purposes of this section, a "child day care center" is a facility licensed by the City or State.
-
- (d) No medical marijuana business shall be located in a building that contains a residence.
 - (e) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
 - (f) 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.
 - (g) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
 - (h) All other City Codes shall apply.

EXHIBIT A

RECORD OF PROCEEDINGS
MEDICAL MARIJUANA AMENDMENTS
Planning and Zoning Commission March 28, 2019

Medical Marijuana Amendments
Citywide
Applicant: City of Springfield

Mary Lilly Smith stated that Article XIV, of the Missouri Constitution provides that no new medical marijuana facility, unless allowed by the local government, “shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church.” No local government shall prohibit medical marijuana facilities or entities with a transportation certification “either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome.” Local governments “may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality.”

Facility types include, medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused manufacturing facility, and medical marijuana dispensary facility.

The proposed amendment establishes specific definitions for marijuana, medical marijuana and medical marijuana facilities. Clarifies that similar uses defined in the Zoning Ordinance do not include medical marijuana facilities, states general standards for medical marijuana facilities, creates which districts permit uses by right and which require conditional use permits, and determines separation standards.

The general standards are that an annual business license is required, and a State medical marijuana license displayed in open and conspicuous place. No medical marijuana business shall be in a building that contains a residence and all medical marijuana businesses shall be closed to the public between the hours of 10 p.m. and 6:00 a.m. (no persons not employed by the business shall be on the premises and no sales or distribution of marijuana shall occur upon the premises during that time).

Further regulations state that no marijuana may be smoked, ingested or otherwise consumed on the premises of a medical marijuana establishment, and facilities must develop, implement and maintain an odor control plan which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code as well as no outdoor operations or storage and if multiple licenses are issued for one location, then restrictions for the highest intensity shall apply. All other City Codes apply.

General standards for separation are Elementary and secondary schools – public and private; Child day care centers – licensed by the City or State. Churches – Ordinance modifies the definition of Church (a building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conducting of organized religious services and accessory uses associated therewith). Measurements made along shortest path between the demarcation points that can be traveled by foot by public right-of-way.

Certain medical marijuana uses will require a Conditional Use Permit if adjacent to or across street from residential zoning districts and the twenty-one (21) Conditions in Zoning Ordinance apply to all CUP's. Additional CUP conditions such as uses shall not be operated to dominate immediate vicinity or to interfere with development and use of neighboring property.

Considerations for determining if proposed use will dominate the immediate neighborhood:

- Functional street classification.
- Surrounding residential districts and uses.
- Location, nature and height of buildings, structures, walls and fences on site.
- Amount of needed parking and amount provided.
- Nature and extent of landscaping and screening.
- Number of visitor trips anticipated each day to the site.

Medical Marijuana Cultivation Facility is defined as:

- A facility licensed by the State 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.
- Similar to greenhouse operation.

Permitted Districts:

- Highway Commercial, Commercial Services, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 1,000-foot separation from elementary and secondary schools, child day care centers and churches.
- Conditional Use Permit required if adjacent to or across street from residential zoning district.

Medical Marijuana Testing Facility is defined as:

- A facility certified by the State to acquire, test, certify and transport marijuana.
- Similar to medical testing labs permitted as part of Office Use Group, however, Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent."

Permitted Districts:

- Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 1,000-foot separation from elementary and secondary schools, child daycare centers and churches.

Medical Marijuana-Infused Projects Manufacturing Facility is defined as:

- A facility licensed by the State 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.
- Medical Marijuana-Infused Products 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.
- Includes both the extraction process and production of edibles, ointments, etc.

Type 1 Extraction Facility include:

- A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.

Permitted Districts:

- General Manufacturing and Heavy Manufacturing.
- 1,000-foot separation from elementary and secondary schools, child day care centers and churches.
- Conditional Use Permit required if adjacent to or across street from residential zoning district.

Type 2 Post-Extraction Facility include:

- A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. Permitted as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).
- Bakeries, confectionaries and producers of ointments, etc. which use extracts, oils or butters produced by Extraction Facilities to create infused products intended for consumption including edible or topical products.
- Staff evaluates as if non-marijuana use to determine if Retail Sales Use Group* or industrial/wholesale activity. (*Requires State-issued dispensary license and subject to dispensary zoning restrictions if retail sales).

Permitted Districts:

- General Retail, Highway Commercial, Commercial Services, Center City, Commercial Street, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing, and Industrial Commercial.
- 200-foot separation from elementary and secondary schools, child day care centers and churches.

Medical Marijuana Dispensary Facility is defined as:

- A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia 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.
- Similar to a pharmacy as part of the Retail Sales Use Group.
- Not permitted in Limited Business or Office Districts because these districts are sometimes embedded in residential neighborhoods.

Permitted Districts:

- General Retail, Highway Commercial, Commercial Services, Center City and Commercial Street.
- Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 200-foot separation from elementary and secondary schools, child day care centers and churches.

Mr. Joel Thomas asked if a church wanted to move in if there was already an existing dispensary.

Ms. Smith noted that they could stay as the church moved in after the dispensary.

Mr. Jobe asked about the closest door to a dispensary, used Battlefield Mall as an example.

Ms. Smith said it would be the main entrance to the mall would be considered the closest.

Mr. Coltrin asked about the distance restrictions, pharmacies and CUP's.

Ms. Smith stated that the State Constitutional amendment is, "unless otherwise permitted by local government, the distance will be 1000 feet." She also clarified the distance restriction for a pharmacy is none.

Ms. Smith stated there are a lot of properties that would allow, however if adjacent to a residential zone then you would be required to apply for a CUP.

Ms. Cox asked questions regarding liquor stores, alcohol by the drink, and adult entertainment and what are distance requirements.

Ms. Smith noted that alcohol by the drink is 200 feet distance (schools and churches), there are no distance restrictions for liquor stores (packaged liquor) and there is a 2000 feet separation requirement for adult entertainment. There are some additional individual restrictions that may apply.

Ms. Cox questioned the age requirements and separation distance and questioned the "time of operation" restrictions.

General discussion on the "time of operation" questions and restrictions.

Mr. Doennig opened the public hearing.

Mr. Sterling Mathis, 334 N. Main, wants to be able to cultivate and manufacture, however there is a church within the distance restriction and wants clarification on what is considered a church because they do not conduct services, but they did previously feed the homeless.

Ms. Smith noted that they would need to call and ask for clarification because it is considered a church when primarily intended for the conduct of organized religious

services.

Mr. David Brodsky, 1920 Bridge Lane, Steamboat Springs, CO, would like to make one clarification on the distance restrictions. In Colorado, we currently have 1000-foot restrictions, but it is getting ready to be lowered to 500 feet. Also mentioned about the testing procedure and would like to see less distance restrictions.

Mr. Coltrin asked about state ownership and if out of state ownership is allowed.

Mr. Bordsky said that state ownership has to be 51%.

Mr. Chip Sheppard, 28056 S. Ingram Mill Road, is on the Board of Directors for New Approach Missouri (campaign committee). Would like to see less restrictions on who can be at the facility after hours, and noted that contractors need to be able to work on refrigerators, electricity, etc. He also noted that there will be 330 licenses state-wide.

Mr. David Schlum, 1258 E. Battlefield, noted that he likes that this give him personal freedoms and told a personal story about his wife who has chronic migraines and is happy to be able to access medical marijuana. He also would like the Commission to address the issue on hours of operation.

Mr. Desmond Morris, II, 1043 E. Caravan Street, has been developing a business plan to dispense high quality cannabis in Springfield. Has concerns on the constraints of hours of operation as well as the distance separations. Noted that the City will see a lot of revenue through jobs and taxes.

Mr. Doennig closed the public hearing.

Mr. Coltrin asked if the state law is written that Springfield can say “no” to Medical Marijuana?

Mr. Rykowski stated that the City of Springfield cannot “expressly prohibit” Medical Marijuana Amendments.

Ms. Cox expressed appreciation on the presentation, however has concerns on the hours of operation and wants to move forward without any further delay and will vote in favor.

Mr. Rose voiced his concerns on the hours of operation and that it seems to limit access to after hour contractors, i.e., electricians, plumbers, etc., and would like to see an amendment to remove the hours of operation and will be voting yes.

Ms. Broekhoven asked similar questions and stated that she would like to see an amendment to remove the hours.

Ms. Smith noted that the “hours of operations” are not in the State Regulations and therefore can be amended.

Mr. Coltrin believes that this will not make a better Springfield and does not feel like there is a choice but to vote in favor.

Mr. Jobe comments about the hours of operation are problematic both with respect to the narrow aspect of employees outside of hours, not including contractors, etc., however the proposed amendments have been highly covered and will be in support of this amendment.

Ms. Ogilvy also voiced concern on the hours of operation and the narrow aspect of employees outside of hours and will be voting yes.

Ms. Smith stated that the Commission may make an amendment to clarify the hours and contractors/employees.

COMMISSION ACTION:

Mr. Doennig motioned to strike the following requirement: "All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises at that time." Mr. Rose seconded the motion.

Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Medical Marijuana Amendments as Amended (Citywide). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is written over a horizontal line.

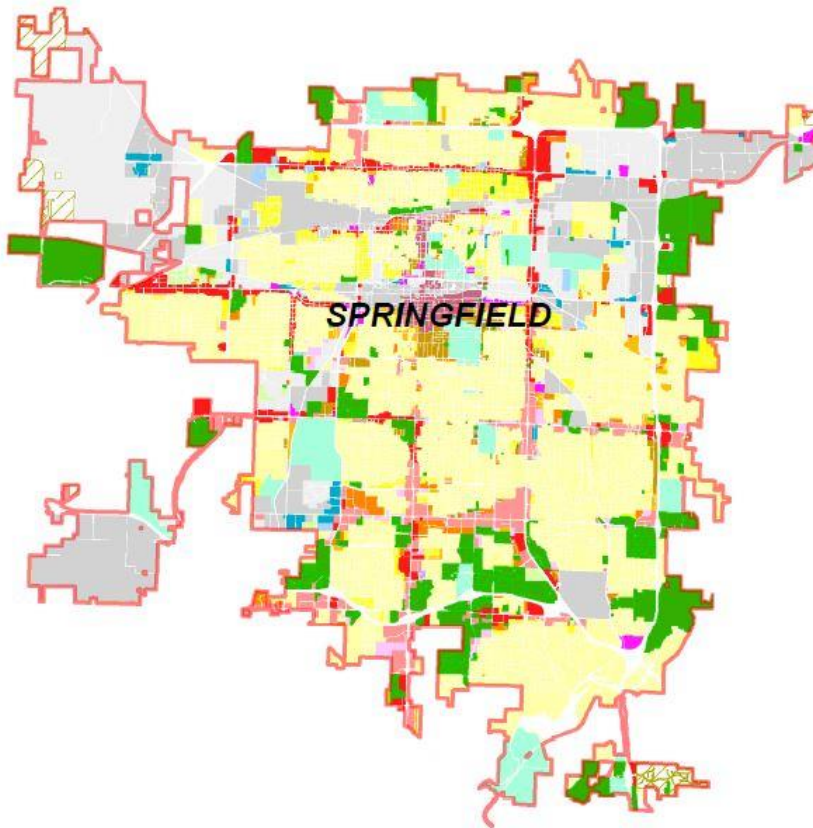
Bob Hosmer, AICP
Principal Planner

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PLANNING AND ZONING COMMISSION PUBLIC HEARING: MARCH 28, 2019

CITY COUNCIL PUBLIC HEARING: APRIL 8, 2019



CASE:

Medical Marijuana Amendments

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. In response to voter approval of Constitutional Amendment 2, staff is requesting amendments to Sections 36-303, 36-321, 36-363, commercial and industrial districts and adding a new supplemental Section 36-474, Medical Marijuana Facilities, of the Zoning Ordinance to allow medical marijuana facilities.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution (hereinafter Article XIV).

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COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. City Council initiated amendments to the Zoning Ordinance in regards to medical marijuana facilities on February 25, 2019.
2. Missouri voters approved Amendment 2 to the Missouri Constitution (Article XIV) on November 6, 2018. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture and sale. The amendment establishes a schedule for implementation which includes August 3, 2019, as the first date to make application for a state license to operate a medical marijuana facility. Applicants for a state license will need to include a specific location in their application. Because of that, the City of Springfield needs to identify those zoning districts where the specific uses will be permitted.
3. Article XIV states that no local government shall prohibit medical marijuana facilities or entities with a transportation certification “either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome.” It also states that local governments “may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality.”
4. Article XIV also places limitations that unless allowed by the local government, no new medical marijuana facility “shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church.”
5. Staff is proposing these medical marijuana uses in districts that permit similar non-medical marijuana uses. Staff has also evaluated what impacts these facilities might have on surrounding land uses. Staff has reviewed other Missouri communities who have already proposed or approved ordinance changes i.e. North Kansas City, Maryland Heights, Warrensburg, etc.
6. Article XIV lists four types of medical marijuana facilities: cultivation, testing, marijuana-infused manufacturing and dispensaries. Staff has used similar definitions contained in Article XIV.
7. A medical marijuana cultivation facility is a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. Staff believes this is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is proposing that this use also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV. Staff is concerned about the effects of odor from these types of facilities and recommends a Conditional Use Permit if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.

8. A medical marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana. Staff believes this is similar to a medical testing laboratory which is allowed as a medical office use; however, the Missouri Medical Cannabis Trade Association recommends they be permitted in “light industrial zoning or its equivalent.” Staff is taking this recommendation and proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is also recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV.
9. A medical marijuana-infused manufacturing facility is a facility licensed by the State 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. Staff is proposing two types of marijuana-infused manufacturing facilities. The first is a Type 1 extraction facility which is a facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process. This would be permitted in the GM and HM districts. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and school, child day care center and church uses. The State will require both an infused-products manufacturing license and dispensary license which will be subject to dispensary restrictions if retail sales are part of the business operation.
10. A medical marijuana dispensary is a facility licensed by the State 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. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, HC, CS, CC and COM Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and school, child day care center and church uses so as to allow medical access to patients without being overly burdensome. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.
11. Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church. 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, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or

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exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a “child day care center” is a facility licensed by the City or State.

12. The following general standards shall apply to all medical marijuana facilities:

- a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- c. No medical marijuana business shall be located in a building that contains a residence.
- d. All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- e. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- f. 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.
- g. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- h. All other City Codes shall apply.

13. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission’s recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

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DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-303. - General provisions.

- (31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:
- (a) The uses are located on at least 20 acres of land; and
 - (b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and
 - (c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.
 - (d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:
 - 1. The keeping or raising of six or less chicken hens as an accessory use.
 - 2. Beekeeping (domestic honey bees, *Apis Mellifera*) as an accessory use in any district provided:
 - a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.
 - b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.
 - c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.
 - d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.

3. Medical marijuana facilities as defined in this Article.

Sec. 36-321. - Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

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Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Church: A building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

Marijuana or marihuana: *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the State 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. All medical marijuana facilities

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shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana dispensary facility: A facility licensed by the State 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. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical 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-infused products manufacturing facility: A facility licensed by the State 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. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

- a) Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the State to acquire, test, certify, and transport marijuana. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Sec. 36-363. - Conditional use permits.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

- (a) With respect to all proposed conditional uses, to the extent applicable:
 - 1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
 - 2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

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3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or

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pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
 20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;
 21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

7. Medical marijuana facilities.

a. Purpose. The purpose of these regulations is to:

- (i) Permit legal sale of medical marijuana as set forth therein and provides detailed obligations for establishing rules and regulation for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;
- (ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;
- (iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. Approval standards. All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:

- (i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.
 - A. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.
 - B. 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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 - C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.
 - D. For purposes of this section, a "child day care center" is a facility licensed by the City or State.
- (ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

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- (iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (iv) No medical marijuana facilities shall be located in a building that contains a residence.
- (v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- (vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts and uses; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of trips anticipated each day to the site.
- (vii) All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (viii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (ix) 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.
- (x) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

Sec. 36-421. - GR - General retail district.

(2) Permitted uses.

- (q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical office use group.

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- (t) Personal services use group.
- (us) Police and fire stations.
- (vt) Private clubs and lodges.
- (wv) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (xw) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (yw) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (zx) Retail sales use group.
- (aay) Schools or development centers for persons with handicaps or development disabilities.
- (bbz) Schools, business.
- (ccaa) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.
- (ddbb) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.
- (eeee) Taxidermists.
- (ffdd) Temporary lodging use group.
- (ggee) Temporary uses, as permitted by section 36-452, temporary uses.
- (hhff) Temporary vendors as permitted under subsection 36-452(3)(b)2.
- (iigg) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
- (jjhh) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

Sec. 36-422. - HC - Highway commercial district.

- (2) Permitted uses.

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- (bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical office use group.
- (ff) Nurseries, greenhouses, and garden stores.
- (gg) Other towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (hhee) Personal services use group.
- (iiff) Police and fire stations.
- (jigg) Private clubs and lodges.
- (kkhh) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (liii) Public or private vehicle and boat storage garages, yards or lots.
- (mmjj) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (nnkk) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (ooH) Retail sales use group.
- (ppmm) Schools, business.
- (qqhh) Schools or development centers for persons with handicaps or development disabilities.
- (rree) Self-service storage facilities.
- (sspp) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.
- (ttqq) Swimming pool sales and displays.
- (uuH) Taxi dispatch yards and offices.
- (vvss) Taxidermists.

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(~~wwt~~) Temporary lodging use group.

(~~xxu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~yyv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~zzw~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~aaa~~) Upholstery shops.

(~~bbby~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities, and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(~~ccc~~) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

(f) Reserved.

(g) Residential uses on the first floor frontage of a building.

(h) Soup kitchens.

(i) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;

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2. Only one tower is permitted on a lot; and
 3. All other provisions of subsection 36-363(10)(b)1. are met.
- (k) Truck stops.
- (4) *Use limitations.*
- (a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
 - (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.
 - (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
 - (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-423. - CS - Commercial service district.

- (2) *Permitted uses.*
- (gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (hh) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (jj) Medical office use group.
- (kk) Monument sales.
- (ll) Newspaper and magazine distribution agencies.
- (mm) Nurseries, greenhouses and garden stores.
- (nn) Personal services use group.
- (oo) Pest control services.
- (pp) Police and fire stations.
- (qq) Private clubs and lodges.

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(~~rree~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~sspp~~) Public or private vehicle and boat storage garages, yards or lots.

(~~ttqq~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~uu#~~) Retail sales use group.

(~~vvss~~) Repair shops, home appliance.

(~~wwt~~) Repair shops, small-engine.

(~~xxuu~~) Schools or development centers for persons with handicaps or development disabilities.

(~~yyvv~~) Schools, business and industrial.

(~~zzwww~~) Self-service storage facilities.

(~~aaaxx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bbbyy~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~ccczz~~) Swimming pool sales and display.

(~~dddaaa~~) Taxi dispatch yards and offices.

(~~eeebbb~~) Taxidermists.

(~~ffffee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~gggddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hhheee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(~~iiiff~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~jjjggg~~) Truck stops.

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(kkkkhh) Upholstery shops.

(lllljj) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(mmmmjj) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district-Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Soup kitchens.

(e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

(a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.

(b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(c) No vibration, glare, or heat shall be detectable at the district boundary line.

(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

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- (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

Sec. 36-424. - CC - Center city district.

(2) *Permitted uses.*

- (bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical office use group.
- (ee) Personal services use group.
- (ffdd) Police and fire stations.
- (ggee) Private clubs and lodges.
- (hhff) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
- (iigg) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (jjhh) Repair shops, home appliance.
- (kkii) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).
- (lljj) Retail sales use group.
- (mmkk) Schools or development centers for persons with handicaps or development disabilities.
- (nnii) Schools, business.
- (ooamm) Schools, elementary and secondary.
- (ppmm) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.
- (qqee) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

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2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

- (~~rrpp~~) Taxi dispatch yards and offices.
- (~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~ttff~~) Temporary lodging use group.
- (~~uuSS~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~vvtt~~) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
- (~~wwwu~~) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

- (1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

- (2) *Permitted uses.*

- (a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

- 13. Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- 14. Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- 15. Offices, administrative, business, finance, and professional.
- 16. Offices, medical and dental.

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- ~~17.15.~~ Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
- ~~18.16.~~ Pet stores and pet grooming.
- ~~19.17.~~ Police and fire stations.
- ~~20.18.~~ Recording studios.
- ~~21.19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
- ~~22.20.~~ Retail sales use group excluding convenience stores with gas pumps.
- ~~23.21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
- ~~24.22.~~ Schools, business.
- ~~25.23.~~ Taverns and cocktail lounges.
- ~~26.24.~~ Temporary uses, as permitted by section 36-452, temporary uses.
- ~~27.25.~~ Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
- ~~28.26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

Sec. 36-430. - RI - Restricted industrial district.

(2) *Permitted uses.*

- (q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (t) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (u) Pest control services.
- (v) Police and fire stations.
- (w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (x) Public service and public utility uses, as follows:

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1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (~~y~~u) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (~~z~~v) Schools or development centers for persons with handicaps or development disabilities.
- (~~a~~aw) Schools, industrial and business.
- (~~b~~b~~x~~) Self-service storage facilities.
- (~~c~~cy) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.
- (~~d~~d~~z~~) Swimming pool sales and display.
- (~~e~~ea~~a~~) Taxidermists.
- (~~f~~f~~b~~b) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~g~~gee) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~h~~h~~d~~d) Upholstery shops.
- (~~i~~ee) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
- (~~j~~j~~f~~) Warehouses, storage and distribution centers.
- (~~k~~k~~g~~g) Wholesale sales.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (~~b~~) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.
 - (~~c~~b) Soup kitchens.
 - (~~d~~e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (~~e~~d) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (4) *Use limitations.*

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- (a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.
- (b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.
- (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-431. - LI - Light industrial district.

(2) Permitted uses.

- (p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (t) Pest control services.
- (u) Police and fire stations.
- (v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (w) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every

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one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (~~xt~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
 - (~~yH~~) Schools, industrial and business.
 - (~~zv~~) Self-service storage facilities.
 - (~~aaw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.
 - (~~bbx~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
 - (~~ccy~~) Swimming pool sales and display.
 - (~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~ffb~~) Upholstery shops.
 - (~~ggee~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~hhdd~~) Warehouses, storage and distribution centers.
 - (~~iee~~) Wholesale sales and distribution.
 - (~~jiff~~) Wholesale sales use group.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article:
- (a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.
 - (~~cb~~) Motor freight terminals.
 - (~~de~~) Soup kitchens.
 - (~~ed~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

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- (fe) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (gf) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
 - (c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.
 - (d) All outdoor storage shall be at least 100 feet from any residential district boundary.
 - (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
 - (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-432. - GM - General manufacturing district.

- (2) *Permitted uses.*
- (t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (u) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (w) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

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- (x) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (y) Motor freight terminals.
- (z) Pest control services.
- (aa) Police and fire stations.
- (bb) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (cc) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (ddy) Recycling centers.
- (eez) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (faa) Schools, industrial and business.
- (ggb) Self-service storage facilities.
- (hee) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.
- (jide) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - 2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (jee) Swimming pool sales and display.
- (kk#) Temporary uses, as permitted by section 36-452, temporary uses.
- (lgg) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (mmhh) Upholstery shops.
- (nn#) Vehicle rental, towing and storage services.
- (oo#) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church,

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school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

~~(ppkk)~~ Warehouses, storage and distribution centers.

~~(qq#)~~ Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.

(d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

~~(ig)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

~~(jh)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.

(b) All outdoor storage shall be at least 100 feet from any residential district boundary.

(c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance

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with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

- (e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-433. - HM - Heavy manufacturing district.

(2) Permitted uses.

- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ff) Motor freight terminals.
- (gg) Pest control services.
- (hh) Police and fire stations.
- (ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
- (ii) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk#) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

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3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - ~~(llgg)~~ Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.
 - ~~(mmhh)~~ Recycling centers.
 - ~~(nnii)~~ Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
 - ~~(oojj)~~ Schools, industrial and business.
 - ~~(ppkk)~~ Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - ~~(qqll)~~ Self-service storage facilities.
 - ~~(rrmm)~~ Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.
 - ~~(ssnn)~~ Stockyards or feed lots.
 - ~~(ttpp)~~ Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
 - ~~(uupp)~~ Swimming pool sales and display.
 - ~~(vvqq)~~ Temporary uses, as permitted by section 36-452, temporary uses.
 - ~~(wwrr)~~ Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - ~~(xxss)~~ Upholstery shops.
 - ~~(yytt)~~ Vehicle rental, towing and storage services.
 - ~~(zzuu)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - ~~(aaa~~vv~~)~~ Warehouses, storage and distribution centers.
 - ~~(bbb~~ww~~)~~ Wholesale sales.
 - ~~(ccc~~xx~~)~~ Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

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- (a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.
 - (b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.
 - (c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
 - (d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - ~~(f)~~ Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.
 - ~~(g)~~ Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.
 - ~~(h)~~ Processing, reprocessing and storage of PCB containing oils.
 - ~~(i)~~ Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.
 - ~~(j)~~ Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.
 - ~~(k)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - ~~(l)~~ Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - ~~(m)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
 - (b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.
 - (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

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- (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-434. - IC - Industrial commercial district.

(2) Permitted uses.

- (y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (z) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. . No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical office use group.
- (dd) Nurseries, greenhouses and garden stores.
- (ee) Upholstery shops.
- (ff) Personal services use group.
- (ggee) Pest control services.
- (hhdd) Police and fire stations.
- (iee) Private clubs and lodges.
- (jiff) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kkgg) Public or private vehicle and boat storage garages, yards, or lots.
- (llhh) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (mmii) Retail sales use group.

Development Review Staff Report



- (~~nnj~~) Schools, professional, commercial, industrial and trade.
 - (~~ookk~~) Schools or development centers for persons with handicaps or development disabilities.
 - (~~pp#~~) Self-service storage facilities.
 - (~~qqmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.
 - (~~rrnn~~) Swimming pool sales and display.
 - (~~ssee~~) Taxi dispatch yards and offices.
 - (~~ttpp~~) Taxidermists.
 - (~~uuqq~~) Temporary lodging use group.
 - (~~vvff~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~wwss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~xx#~~) Upholstery shops.
 - (~~yyuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~zzvv~~) Warehouses, storage and distribution centers.
 - (~~aaawww~~) Wholesale sales use group.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.
- (a) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.
 - (b) Go-cart tracks.
 - (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (d) Motor freight terminals.
 - (e) Soup kitchens.
 - (f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (h) Truck stops.
 - (i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

Development Review Staff Report



- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
- (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

(1) Purpose. The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) Medical marijuana facility standards. Medical marijuana facilities as defined shall follow the regulations of this article.

(a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.

4) For purposes of this section, a "child day care center" is a facility licensed by the City or State.

(d) No medical marijuana business shall be located in a building that contains a residence.

Development Review Staff Report



- (e) All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (g) 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.
- (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (i) All other City Codes shall apply.

One-rdg. _____
P. Hrngs. _____
Pgs. 90
Filed: 04-30-19

Sponsored by: Ollis and Schilling

First Reading: _____
SUBSTITUTE
COUNCIL BILL 2019-078

Second Reading: _____
GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land
2 Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through
3 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-
4 425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section
5 36-474; for the purpose of allowing the sale of Medical Marijuana as
6 required by Article XIV of the Missouri Constitution. (Planning and Zoning
7 Commission and Staff recommend approval.)
8 _____
9

10 WHEREAS, on November 6, 2018, the voters of the State of Missouri, passed
11 Amendment 2, creating Article XIV of the Missouri Constitution authorizing the
12 controlled sale of Marijuana for medical purposes; and directing the State to adopt
13 regulations to allow for the cultivation, processing, testing, and sale of Medical
14 Marijuana, and;
15

16 WHEREAS, Article XIV and the regulations promulgated pursuant to same place
17 certain limits and restrictions on local governments power to regulate the cultivation,
18 processing, testing, and sale of Medical Marijuana, and;
19

20 WHEREAS, to protect the welfare of the citizens, provide access as required by
21 law, and ensure the safe, efficient and lawful implementation of Article XIV the following
22 amendments to the City Code are proposed, and;
23

24 WHEREAS, a public hearing was held before the Planning and Zoning
25 Commission on March 28, 2019, and Planning and Zoning Commission recommended
26 approval of the proposed changes.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:
30

31 Section 1 – Chapter 36 of the Springfield, Missouri, City Code, known as the
32 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
33 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-

34 431, 36-432, 36-433, and 36-434 are hereby amended and a new section 36-474 is
35 hereby enacted to allow for the sale of Medical Marijuana as required by Article XIV of
36 the Missouri Constitution.

37
38 (Note: Revisions to Chapter 36 of the Springfield, Missouri, City Code, known as
39 the 'Land Development Code,' Article III – 'Zoning Regulations,' Divisions 1 through 5,
40 Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-
41 431, 36-432, 36-433, and 36-434 as well as a new section 36-474, are set forth in
42 "Second Amended Exhibit 1," which is attached hereto and incorporated herein by this
43 reference as if set forth verbatim. Underlined language is to be added. Language to be
44 removed is ~~stricken~~.)

45
46 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
47 affect any suit or proceeding now pending in any court or any rights acquired, or liability
48 incurred nor any cause or causes of action accrued or existing, under any act or
49 ordinance repealed hereby, or shall any right or remedy of any character be lost,
50 impaired, or affected by this Ordinance.

51
52 Section 3 - Severability Clause. If any section, subsection, sentence, clause, or
53 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
54 affect the validity of the remaining portions of this Ordinance. City Council hereby
55 declares that it would have adopted the Ordinance and each section, subsection,
56 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
57 sections, subsections, sentences, clauses, or phrases be declared invalid.

58
59 Section 4 - This Ordinance shall be in full force and effect from and after
60 passage.

61
62 Passed at meeting: _____

63
64
65 _____
66 Mayor

67 Attest: _____, City Clerk

68
69 Filed as Ordinance: _____

70
71 Approved as to form: Rhonda Lewsader, City Attorney

72
73
74 Approved for Council action: Jason A. Hays, City Manager
75

**SECOND SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL
2019-078**

ORIGINATING DEPARTMENT: Law

Councilmembers Ollis and Schilling requested a substitute bill that set the separation requirements for schools at 1,000 feet and for day cares and churches at 200 feet and which adopted the Department of Health and Senior Services (DHSS) draft definitions of “schools,” “churches,” and “day cares” and the draft DHSS measurement standard. “Exhibit 1” includes those separation distances, draft definitions, and measurement standard.

Additionally, Exhibit 1 includes the amendment adopted by City Council at the April 8, 2019, meeting, which removed language from the original bill that set limitations on hours that medical marijuana facilities may be open to the public.

Submitted by:



City Attorney

Approved by:



City Manager

SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL 2019-078

FILED: 04-02-19

ORIGINATING DEPARTMENT: LAW

PURPOSE: Report on Planning and Zoning Proceedings and Recommendation for Amendment.

BACKGROUND: On March 28, 2019, the Planning and Zoning Commission ("Commission") heard staff's presentation on the proposed Medical Marijuana Ordinance. After much discussion the Commission recommended that the proposed ordinance be amended to remove the limitation on the hours medical marijuana facilities may be open to the public as found in 36-421(7)(b)(vii) and 36-474(2)(e).

The Commission responded to testimony that limiting off hours access to some of the cultivation and processing facilities only to employees would prohibit a service call during off hours from HVAC, electrical or plumbing trades to deal with emergency situations. They also felt that the hours for dispensary operations should follow those for pharmacies, some of which operate 24 hours. This would allow the market to set the hours for dispensary operations.

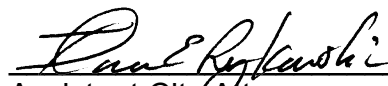
The Commission voted unanimously to "amend" the bill by striking the limitations on public sale. While the Commission voted specifically to do this to the language cited above in 36-421, the identical language appears also in 36-321 and 36-474.

With this "amendment" the Commission voted to approve the amended Medical Marijuana amendments 9-0.

Staff supports passage of the bill with Commission's recommended amendment.

The City Council may accept the recommendation of the Commission and make such changes, make other changes, or pass the bill as filed and presented.

Submitted by:


Assistant City Attorney

Approved by:


Jason Gage, City Manager

EXPLANATION TO COUNCIL BILL 2019 -078

FILED: 04-16-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending Chapter 36 of the Springfield, Missouri, City Code, known as the 'Land Development Code,' Article III, 'Zoning Regulations,' Divisions 1 through 5, Sections 36-303, 36-321, 36-363, 36-421, 36-422, 36-423, 36-424, 36-425, 36-430, 36-431, 36-432, 36-433, 36-434, and creating a new section 36-474 to allow for the sale of Medical Marijuana as required by Article XIV of the Missouri Constitution. (Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA AMENDMENTS

City Council initiated amendments to the Zoning Ordinance in regard to medical marijuana facilities on February 25, 2019.

Missouri voters approved Amendment 2 to the Missouri Constitution ("Article XIV") on November 6, 2018. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture, and sale. The amendment establishes a schedule for implementation which includes August 3, 2019, as the first date to make application for a state license to operate a medical marijuana facility. Applicants for a state license will need to include a specific location in their application. Because of that, the City of Springfield needs to identify those zoning districts where the specific uses will be permitted.

Article XIV states that no local government shall prohibit medical marijuana facilities or entities with a transportation certification "either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome." It also states that local governments "may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality."

Article XIV also places limitations that unless allowed by the local government, no new medical marijuana facility "shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church."

Staff is proposing these medical marijuana uses in districts that permit similar non-medical marijuana uses. Staff has also evaluated what impacts these facilities might have on surrounding land uses. Staff has reviewed other Missouri communities who have already proposed or approved ordinance changes i.e. North Kansas City, Maryland Heights, Warrensburg, etc.

Article XIV lists four types of medical marijuana facilities: cultivation, testing, marijuana-infused manufacturing and dispensaries. Staff has used similar definitions as recommended by the State.

1. A medical marijuana cultivation facility is a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused product manufacturing facility. Staff believes this is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is proposing that this use also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV. Staff is concerned about the effects of odor from these types of facilities and recommends a Conditional Use Permit if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.
2. A medical marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana. Staff believes this is similar to a medical testing laboratory which is allowed as a medical office use; however, the Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent." Staff is taking this recommendation and proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is also recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV.
3. A medical marijuana-infused manufacturing facility is a facility licensed by the State 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. Staff is proposing two types of marijuana-infused manufacturing facilities. The first is a Type 1 extraction facility which is a facility which uses combustible gases, CO₂ or other hazardous substances in the marijuana extraction process. This would be permitted in the GM, General Manufacturing and HM, Heavy Manufacturing districts. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street

from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, General Retail, HC, Highway Commercial, CS, Commercial Services, CC, Center City, COM, Commercial Street, RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and school, child day care center and church uses. The State will require both an infused-products manufacturing license and dispensary license which will be subject to dispensary restrictions if retail sales are part of the business operation.

4. A medical marijuana dispensary is a facility licensed by the State 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 product manufacturing facility. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, General Retail, HC, Highway Commercial, CS, Commercial Services, CC, Center City, and COM, Commercial Street Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and school, child day care center and church uses so as to allow medical access to patients without being overly burdensome. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.

Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest

point of the property line of the school, child day care center, or church. 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, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a "child day care center" is a facility licensed by the City or State.

The following general standards shall apply to all medical marijuana facilities:

- a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- c. No medical marijuana business shall be located in a building that contains a residence.
- d. All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- e. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- f. 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.
- g. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- h. All other City Codes shall apply.

Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and

Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

FINDINGS FOR STAFF RECOMMENDATION:

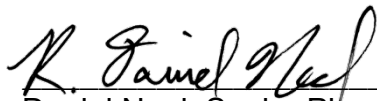
1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution.

REMARKS:

The Planning and Zoning Commission held a public hearing on March 28, 2019 and recommended approval, by a vote of 9 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

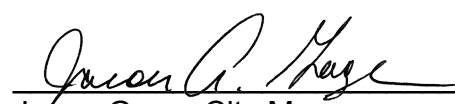
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit 1, Text Amendments

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Proposed Amendments

Exhibit 1

Sec. 36-303. - General provisions.

- (31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:
- (a) The uses are located on at least 20 acres of land; and
 - (b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and
 - (c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.
 - (d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:
 - 1. The keeping or raising of six or less chicken hens as an accessory use.
 - 2. Beekeeping (domestic honey bees, *Apis Mellifera*) as an accessory use in any district provided:
 - a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.
 - b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.
 - c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.
 - d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.
 - 3. Medical marijuana facilities as defined in this Article.

Sec. 36-321. - Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Church: A building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic

basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

Marijuana or marihuana: *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the State to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

Medical marijuana dispensary facility: A facility licensed by the State 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.

Medical 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-infused products manufacturing facility: A facility licensed by the State 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.

- a) Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the State to acquire, test, certify, and transport marijuana.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Sec. 36-363. - Conditional use permits.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

- (a) With respect to all proposed conditional uses, to the extent applicable:
 - 1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
 - 2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
 - 3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
 - 4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
 - 5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;

15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
 16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
 17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
 18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;
 19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
 20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;
 21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

7. Medical marijuana facilities.

a. Purpose. The purpose of these regulations is to:

- (i) Permit legal sale of medical marijuana as set forth therein and provide detailed obligations for establishing rules and regulation for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;

(ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;

(iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. *Approval standards.* All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:

(i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

A. In the case of a freestanding facility, the distance between the facility and the school, child day care center, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day care center, or church to the closest point of the property line of the school, child day care center, or church.

B. 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, child day care center, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

D. For purposes of this section, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the state of Missouri.

E. For purposes of this section, a "church" means a permanent building regularly used as a place of religious worship.

F. For purposes of this section, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or

grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.

(ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

(iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(iv) No medical marijuana facilities shall be located in a building that contains a residence.

(v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:

A. The functional classification of the street on which the site is located; and

B. The surrounding residential districts and uses; and

C. The location, nature and height of buildings, structures, walls and fences on site; and

D. The amount of parking needed for the proposed use and the amount of parking provided on site; and

E. The nature and extent of landscaping and screening on the site; and

F. The number of trips anticipated each day to the site.

(vii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.

(viii) 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.

(ix) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

Sec. 36-421. - GR - General retail district.

(2) Permitted uses.

(q) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical office use group.

(t) Personal services use group.

(u) Police and fire stations.

(v) Private clubs and lodges.

(w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(x) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (~~yw~~) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (~~zx~~) Retail sales use group.
- (~~aay~~) Schools or development centers for persons with handicaps or development disabilities.
- (~~bbz~~) Schools, business.
- (~~ccaa~~) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.
- (~~ddb~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 421(2)(b) or (w) if applicable.
- (~~eee~~) Taxidermists.
- (~~ffd~~) Temporary lodging use group.
- (~~ggee~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~hhf~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.
- (~~iig~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
- (~~jih~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses,

districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

Sec. 36-422. - HC - Highway commercial district.

(2) *Permitted uses.*

- (bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical office use group.
- (ff) Nurseries, greenhouses, and garden stores.
- (gg) Other towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~hh~~ee) Personal services use group.
- (~~ii~~ff) Police and fire stations.
- (~~jj~~gg) Private clubs and lodges.
- (~~kk~~hh) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (~~ll~~ii) Public or private vehicle and boat storage garages, yards or lots.
- (~~mm~~jj) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~nnkk~~) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.

(~~ooH~~) Retail sales use group.

(~~ppmm~~) Schools, business.

(~~qqnn~~) Schools or development centers for persons with handicaps or development disabilities.

(~~rrøø~~) Self-service storage facilities.

(~~sspp~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36- 422(2)(c) or (kk) if applicable.

(~~ttqq~~) Swimming pool sales and displays.

(~~uuH~~) Taxi dispatch yards and offices.

(~~vvss~~) Taxidermists.

(~~wwH~~) Temporary lodging use group.

(~~xxuu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~yyvv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

~~(zzww)~~ Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

~~(aaaxx)~~ Upholstery shops.

~~(bbbyy)~~ Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities, and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

~~(ccczz)~~ Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other

requirements in section 36-474., medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

(fe) Reserved.

(gf) Residential uses on the first floor frontage of a building.

(hg) Soup kitchens.

(ih) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(ji) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;
2. Only one tower is permitted on a lot; and
3. All other provisions of subsection 36-363(10)(b)1. are met.

(kj) Truck stops.

(4) *Use limitations.*

(a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

(b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.

(c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter

2A, article X, Springfield City Code.

- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-423. - CS - Commercial service district.

(2) *Permitted uses.*

(gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(hh) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(jj) Medical office use group.

(kk) Monument sales.

(ll) Newspaper and magazine distribution agencies.

(mm) Nurseries, greenhouses and garden stores.

(nn) Personal services use group.

(oo) Pest control services.

(pp) Police and fire stations.

(qq) Private clubs and lodges.

(rr) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~sspp~~) Public or private vehicle and boat storage garages, yards or lots.

(~~ttqq~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~uufr~~) Retail sales use group.

(~~vvss~~) Repair shops, home appliance.

(~~wwtt~~) Repair shops, small-engine.

(~~xxuu~~) Schools or development centers for persons with handicaps or development disabilities.

(~~yyvv~~) Schools, business and industrial.

(~~zzww~~) Self-service storage facilities.

(~~aaax~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bbby~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development

Department.

(~~ccczz~~) Swimming pool sales and display.

(~~ddd~~aaa~~~~) Taxi dispatch yards and offices.

(~~eee~~bbb~~~~) Taxidermists.

(~~ffff~~eee~~~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~ggg~~ddd~~~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hh~~hee~~~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(~~iii~~fff~~~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~jjj~~ggg~~~~) Truck stops.

(~~kkk~~hhh~~~~) Upholstery shops.

(~~lll~~iii~~~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~mmm~~jjj~~~~) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional

service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

- (b) Go-cart tracks.
 - (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district-Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (d) Soup kitchens.
 - (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
 - (h) Warehouses, storage and distribution centers.
- (4) *Use limitations.*
- (a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.
 - (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
 - (c) No vibration, glare, or heat shall be detectable at the district boundary line.
 - (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

Sec. 36-424. - CC - Center city district.

(2) *Permitted uses.*

(bb) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(dd) Medical office use group.

(ee) Personal services use group.

(ff) Police and fire stations.

(g) Private clubs and lodges.

(hh) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.

(ii) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (~~jjh~~) Repair shops, home appliance.
- (~~kk~~) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).
- (~~llj~~) Retail sales use group.
- (~~mmkk~~) Schools or development centers for persons with handicaps or development disabilities.
- (~~nnl~~) Schools, business.
- (~~oomm~~) Schools, elementary and secondary.
- (~~ppnn~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.
- (~~qqee~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (~~rrpp~~) Taxi dispatch yards and offices.
- (~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~ttf~~) Temporary lodging use group.
- (~~uuss~~) Towers other than wireless facilities, less than 100 feet in height, and

related facilities.

(~~vv~~^{tt}) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(~~www~~^{uu}) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

(1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) *Permitted uses.*

(a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

13. Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

14. Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a

then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

15. Offices, administrative, business, finance, and professional.

16. Offices, medical and dental.

17.~~15.~~ Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.

18.~~16.~~ Pet stores and pet grooming.

19.~~17.~~ Police and fire stations.

20.~~18.~~ Recording studios.

21.~~19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.

22.~~20.~~ Retail sales use group excluding convenience stores with gas pumps.

23.~~21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.

24.~~22.~~ Schools, business.

25.~~23.~~ Taverns and cocktail lounges.

26.~~24.~~ Temporary uses, as permitted by section 36-452, temporary uses.

27.~~25.~~ Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

28.~~26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

Sec. 36-430. - RI - Restricted industrial district.

(2) Permitted uses.

- (q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (t) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (u) Pest control services.
- (v) Police and fire stations.
- (w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (x) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and

allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~y~~u) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(~~z~~v) Schools or development centers for persons with handicaps or development disabilities.

(~~a~~aw) Schools, industrial and business.

(~~b~~b~~x~~) Self-service storage facilities.

(~~c~~cy) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.

(~~d~~dz) Swimming pool sales and display.

(~~e~~ea) Taxidermists.

(~~f~~fb) Temporary uses, as permitted by section 36-452, temporary uses.

(~~g~~ge) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~h~~hd) Upholstery shops.

(~~i~~ie) Veterinary clinics, animal hospitals, and kennels, with no outside activities.

(~~j~~ff) Warehouses, storage and distribution centers.

(~~k~~ke) Wholesale sales.

- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child

day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

(c) Soup kitchens.

(d) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(e) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(4) *Use limitations.*

(a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.

(b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.

(c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-431. - LI - Light industrial district.

(2) *Permitted uses.*

(p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child

day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(q) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(s) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(t) Pest control services.

(u) Police and fire stations.

(v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(w) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(xt) Retail sales use group provided the sale of products is related to the principal

use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(~~y~~u) Schools, industrial and business.

(~~z~~v) Self-service storage facilities.

(~~aaw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.

(~~bb~~x) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~cc~~y) Swimming pool sales and display.

(~~dd~~z) Temporary uses, as permitted by section 36-452, temporary uses.

(~~ee~~aa) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~ff~~bb) Upholstery shops.

(~~gg~~cc) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~hh~~dd) Warehouses, storage and distribution centers.

(~~ii~~ee) Wholesale sales and distribution.

~~(j)~~ Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article:

(a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.

~~(c)~~ Motor freight terminals.

~~(d)~~ Soup kitchens.

~~(e)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

~~(f)~~ Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

~~(g)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.

(c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.

(d) All outdoor storage shall be at least 100 feet from any residential district

boundary.

- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-432. - GM - General manufacturing district.

(2) Permitted uses.

- (t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (u) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (w) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (x) Medical marijuana testing facility. No facility shall be located within one

thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(y) Motor freight terminals.

(z) Pest control services.

(aa) Police and fire stations.

(bb) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(cc) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(ddy) Recycling centers.

(eez) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(ffaa) Schools, industrial and business.

(ggbb) Self-service storage facilities.

(hhee) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.

(~~jide~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~jiee~~) Swimming pool sales and display.

(~~kkff~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~llgg~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~mmhh~~) Upholstery shops.

(~~nnii~~) Vehicle rental, towing and storage services.

(~~oojj~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~ppkk~~) Warehouses, storage and distribution centers.

(~~qqll~~) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

- (a) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.
- (b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional

service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

- (c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.
 - (d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - (e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - (h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (ig) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (jh) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located

in an LI, GM, or HM district.

- (b) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-433. - HM - Heavy manufacturing district.

(2) *Permitted uses.*

- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical

marijuana facilities.

(dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(ff) Motor freight terminals.

(gg) Pest control services.

(hh) Police and fire stations.

(ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.

(jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kkff) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

~~(llgg)~~ Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(~~mmhh~~) Recycling centers.

(~~nnii~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(~~oojj~~) Schools, industrial and business.

(~~ppkk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(~~qqll~~) Self-service storage facilities.

(~~rrmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.

(~~ssnn~~) Stockyards or feed lots.

(~~ttoo~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~uupp~~) Swimming pool sales and display.

(~~vvqq~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~wwrr~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~xxss~~) Upholstery shops.

(~~yytt~~) Vehicle rental, towing and storage services.

(~~zzuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~aaavv~~) Warehouses, storage and distribution centers.

(~~bbbww~~) Wholesale sales.

(~~cccxx~~) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.

(b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.

(c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved.~~ No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.

(gf) Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.

(hg) Processing, reprocessing and storage of PCB containing oils.

(ih) Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.

(ji) Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.

(kj) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(lk) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(mt) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

(b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.

(c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

- (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-434. - IC - Industrial commercial district.

(2) *Permitted uses.*

- (y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (z) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical office use group.
- (dd) Nurseries, greenhouses and garden stores.
- (ee) Upholstery shops.
- (ff) Personal services use group.
- (gg) Pest control services.
- (hh) Police and fire stations.
- (ii) Private clubs and lodges.

(~~jiff~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~kkeg~~) Public or private vehicle and boat storage garages, yards, or lots.

(~~llhh~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~mmii~~) Retail sales use group.

(~~nnjj~~) Schools, professional, commercial, industrial and trade.

(~~ookk~~) Schools or development centers for persons with handicaps or development disabilities.

(~~ppll~~) Self-service storage facilities.

(~~qqmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.

(~~rrnn~~) Swimming pool sales and display.

(~~ssoo~~) Taxi dispatch yards and offices.

(~~ttpp~~) Taxidermists.

(~~uuqq~~) Temporary lodging use group.

(~~vvrr~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~wwss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.

(~~xxtt~~) Upholstery shops.

(~~yyuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(~~zzvv~~) Warehouses, storage and distribution centers.

(~~aaaww~~) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.

(a) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.~~

(d) Motor freight terminals.

(e) Soup kitchens.

(f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(h) Truck stops.

(i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a

300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
- (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

(1) *Purpose.* The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) *Medical marijuana facility standards.* Medical marijuana facilities as defined shall follow the regulations of this article.

- (a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering

controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

- (c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.
- 1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.
 - 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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 - 3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.
- (d) No medical marijuana business shall be located in a building that contains a residence.
- (e) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (f) 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.
- (g) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (h) All other City Codes shall apply.

EXHIBIT A

RECORD OF PROCEEDINGS MEDICAL MARIJUANA AMENDMENTS **Planning and Zoning Commission March 28, 2019**

Medical Marijuana Amendments
Citywide
Applicant: City of Springfield

Mary Lilly Smith stated that Article XIV, of the Missouri Constitution provides that no new medical marijuana facility, unless allowed by the local government, “shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church.” No local government shall prohibit medical marijuana facilities or entities with a transportation certification “either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome.” Local governments “may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality.”

Facility types include, medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused manufacturing facility, and medical marijuana dispensary facility.

The proposed amendment establishes specific definitions for marijuana, medical marijuana and medical marijuana facilities. Clarifies that similar uses defined in the Zoning Ordinance do not include medical marijuana facilities, states general standards for medical marijuana facilities, creates which districts permit uses by right and which require conditional use permits, and determines separation standards.

The general standards are that an annual business license is required, and a State medical marijuana license displayed in open and conspicuous place. No medical marijuana business shall be in a building that contains a residence and all medical marijuana businesses shall be closed to the public between the hours of 10 p.m. and 6:00 a.m. (no persons not employed by the business shall be on the premises and no sales or distribution of marijuana shall occur upon the premises during that time).

Further regulations state that no marijuana may be smoked, ingested or otherwise consumed on the premises of a medical marijuana establishment, and facilities must develop, implement and maintain an odor control plan which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code as well as no outdoor operations or storage and if multiple licenses are issued for one location, then restrictions for the highest intensity shall apply. All other City Codes apply.

General standards for separation are Elementary and secondary schools – public and private; Child day care centers – licensed by the City or State. Churches – Ordinance modifies the definition of Church (a building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conducting of organized religious services and accessory uses associated therewith). Measurements made along shortest path between the demarcation points that can be traveled by foot by public right-of-way.

Certain medical marijuana uses will require a Conditional Use Permit if adjacent to or across street from residential zoning districts and the twenty-one (21) Conditions in Zoning Ordinance apply to all CUP's. Additional CUP conditions such as uses shall not be operated to dominate immediate vicinity or to interfere with development and use of neighboring property.

Considerations for determining if proposed use will dominate the immediate neighborhood:

- Functional street classification.
- Surrounding residential districts and uses.
- Location, nature and height of buildings, structures, walls and fences on site.
- Amount of needed parking and amount provided.
- Nature and extent of landscaping and screening.
- Number of visitor trips anticipated each day to the site.

Medical Marijuana Cultivation Facility is defined as:

- A facility licensed by the State 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.
- Similar to greenhouse operation.

Permitted Districts:

- Highway Commercial, Commercial Services, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 1,000-foot separation from elementary and secondary schools, child day care centers and churches.
- Conditional Use Permit required if adjacent to or across street from residential zoning district.

Medical Marijuana Testing Facility is defined as:

- A facility certified by the State to acquire, test, certify and transport marijuana.
- Similar to medical testing labs permitted as part of Office Use Group, however, Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent."

Permitted Districts:

- Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 1,000-foot separation from elementary and secondary schools, child daycare centers and churches.

Medical Marijuana-Infused Projects Manufacturing Facility is defined as:

- A facility licensed by the State 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.
- Medical Marijuana-Infused Products 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.
- Includes both the extraction process and production of edibles, ointments, etc.

Type 1 Extraction Facility include:

- A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.

Permitted Districts:

- General Manufacturing and Heavy Manufacturing.
- 1,000-foot separation from elementary and secondary schools, child day care centers and churches.
- Conditional Use Permit required if adjacent to or across street from residential zoning district.

Type 2 Post-Extraction Facility include:

- A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO2 or other hazardous substances. Permitted as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).
- Bakeries, confectionaries and producers of ointments, etc. which use extracts, oils or butters produced by Extraction Facilities to create infused products intended for consumption including edible or topical products.
- Staff evaluates as if non-marijuana use to determine if Retail Sales Use Group* or industrial/wholesale activity. (*Requires State-issued dispensary license and subject to dispensary zoning restrictions if retail sales).

Permitted Districts:

- General Retail, Highway Commercial, Commercial Services, Center City, Commercial Street, Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing, and Industrial Commercial.
- 200-foot separation from elementary and secondary schools, child day care centers and churches.

Medical Marijuana Dispensary Facility is defined as:

- A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia 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.
- Similar to a pharmacy as part of the Retail Sales Use Group.
- Not permitted in Limited Business or Office Districts because these districts are sometimes embedded in residential neighborhoods.

Permitted Districts:

- General Retail, Highway Commercial, Commercial Services, Center City and Commercial Street.
- Restricted Industrial, Light Industrial, General Manufacturing, Heavy Manufacturing and Industrial Commercial.
- 200-foot separation from elementary and secondary schools, child day care centers and churches.

Mr. Joel Thomas asked if a church wanted to move in if there was already an existing dispensary.

Ms. Smith noted that they could stay as the church moved in after the dispensary.

Mr. Jobe asked about the closest door to a dispensary, used Battlefield Mall as an example.

Ms. Smith said it would be the main entrance to the mall would be considered the closest.

Mr. Coltrin asked about the distance restrictions, pharmacies and CUP's.

Ms. Smith stated that the State Constitutional amendment is, "unless otherwise permitted by local government, the distance will be 1000 feet." She also clarified the distance restriction for a pharmacy is none.

Ms. Smith stated there are a lot of properties that would allow, however if adjacent to a residential zone then you would be required to apply for a CUP.

Ms. Cox asked questions regarding liquor stores, alcohol by the drink, and adult entertainment and what are distance requirements.

Ms. Smith noted that alcohol by the drink is 200 feet distance (schools and churches), there are no distance restrictions for liquor stores (packaged liquor) and there is a 2000 feet separation requirement for adult entertainment. There are some additional individual restrictions that may apply.

Ms. Cox questioned the age requirements and separation distance and questioned the "time of operation" restrictions.

General discussion on the "time of operation" questions and restrictions.

Mr. Doennig opened the public hearing.

Mr. Sterling Mathis, 334 N. Main, wants to be able to cultivate and manufacture, however there is a church within the distance restriction and wants clarification on what is considered a church because they do not conduct services, but they did previously feed the homeless.

Ms. Smith noted that they would need to call and ask for clarification because it is considered a church when primarily intended for the conduct of organized religious

services.

Mr. David Brodsky, 1920 Bridge Lane, Steamboat Springs, CO, would like to make one clarification on the distance restrictions. In Colorado, we currently have 1000-foot restrictions, but it is getting ready to be lowered to 500 feet. Also mentioned about the testing procedure and would like to see less distance restrictions.

Mr. Coltrin asked about state ownership and if out of state ownership is allowed.

Mr. Bordsky said that state ownership has to be 51%.

Mr. Chip Sheppard, 28056 S. Ingram Mill Road, is on the Board of Directors for New Approach Missouri (campaign committee). Would like to see less restrictions on who can be at the facility after hours, and noted that contractors need to be able to work on refrigerators, electricity, etc. He also noted that there will be 330 licenses state-wide.

Mr. David Schlum, 1258 E. Battlefield, noted that he likes that this give him personal freedoms and told a personal story about his wife who has chronic migraines and is happy to be able to access medical marijuana. He also would like the Commission to address the issue on hours of operation.

Mr. Desmond Morris, II, 1043 E. Caravan Street, has been developing a business plan to dispense high quality cannabis in Springfield. Has concerns on the constraints of hours of operation as well as the distance separations. Noted that the City will see a lot of revenue through jobs and taxes.

Mr. Doennig closed the public hearing.

Mr. Coltrin asked if the state law is written that Springfield can say “no” to Medical Marijuana?

Mr. Rykowski stated that the City of Springfield cannot “expressly prohibit” Medical Marijuana Amendments.

Ms. Cox expressed appreciation on the presentation, however has concerns on the hours of operation and wants to move forward without any further delay and will vote in favor.

Mr. Rose voiced his concerns on the hours of operation and that it seems to limit access to after hour contractors, i.e., electricians, plumbers, etc., and would like to see an amendment to remove the hours of operation and will be voting yes.

Ms. Broekhoven asked similar questions and stated that she would like to see an amendment to remove the hours.

Ms. Smith noted that the “hours of operations” are not in the State Regulations and therefore can be amended.

Mr. Coltrin believes that this will not make a better Springfield and does not feel like there is a choice but to vote in favor.

Mr. Jobe comments about the hours of operation are problematic both with respect to the narrow aspect of employees outside of hours, not including contractors, etc., however the proposed amendments have been highly covered and will be in support of this amendment.

Ms. Ogilvy also voiced concern on the hours of operation and the narrow aspect of employees outside of hours and will be voting yes.

Ms. Smith stated that the Commission may make an amendment to clarify the hours and contractors/employees.

COMMISSION ACTION:

Mr. Doennig motioned to strike the following requirement: "All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises at that time." Mr. Rose seconded the motion.

Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None.

COMMISSION ACTION:

Ms. Cox motioned to **approve** Medical Marijuana Amendments as Amended (Citywide). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Ogilvy, Cox, Rose, Broekhoven, Thomas, Shuler, and Jobe. Nays: None. Abstain: None. Absent: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is written over a horizontal line.

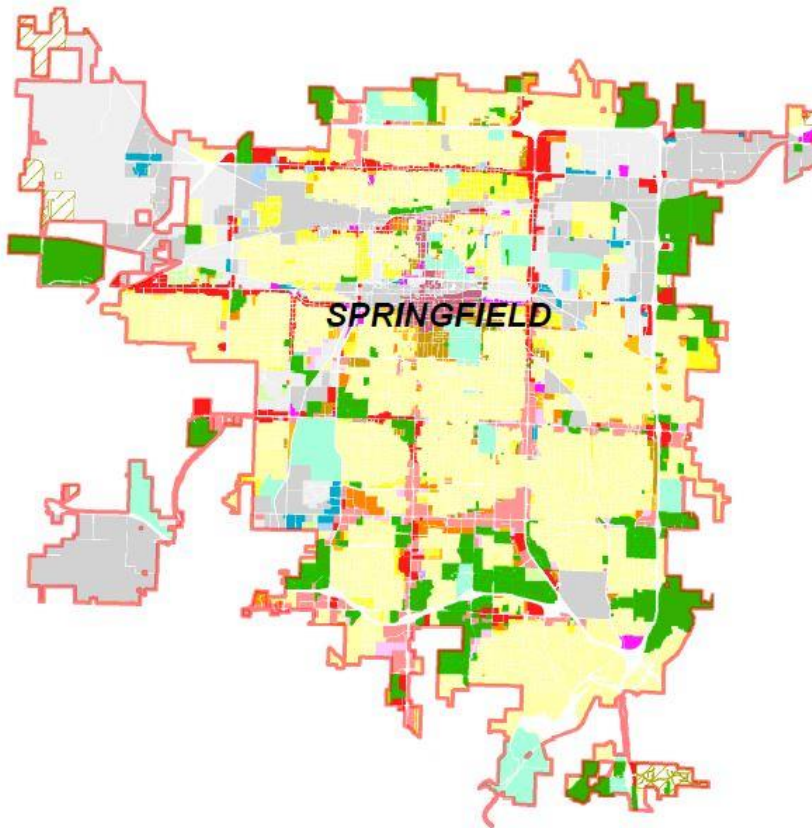
Bob Hosmer, AICP
Principal Planner

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: MARCH 28, 2019

CITY COUNCIL PUBLIC HEARING: APRIL 8, 2019



CASE:

Medical Marijuana Amendments

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. In response to voter approval of Constitutional Amendment 2, staff is requesting amendments to Sections 36-303, 36-321, 36-363, commercial and industrial districts and adding a new supplemental Section 36-474, Medical Marijuana Facilities, of the Zoning Ordinance to allow medical marijuana facilities.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where medical marijuana facilities are allowed as directed by Article XIV of the Missouri Constitution (hereinafter Article XIV).

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COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. City Council initiated amendments to the Zoning Ordinance in regards to medical marijuana facilities on February 25, 2019.
2. Missouri voters approved Amendment 2 to the Missouri Constitution (Article XIV) on November 6, 2018. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture and sale. The amendment establishes a schedule for implementation which includes August 3, 2019, as the first date to make application for a state license to operate a medical marijuana facility. Applicants for a state license will need to include a specific location in their application. Because of that, the City of Springfield needs to identify those zoning districts where the specific uses will be permitted.
3. Article XIV states that no local government shall prohibit medical marijuana facilities or entities with a transportation certification “either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome.” It also states that local governments “may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place and manner of operation of such facilities in the locality.”
4. Article XIV also places limitations that unless allowed by the local government, no new medical marijuana facility “shall be initially sited within 1,000 feet of any then-existing elementary or secondary school, child day-care center, or church.”
5. Staff is proposing these medical marijuana uses in districts that permit similar non-medical marijuana uses. Staff has also evaluated what impacts these facilities might have on surrounding land uses. Staff has reviewed other Missouri communities who have already proposed or approved ordinance changes i.e. North Kansas City, Maryland Heights, Warrensburg, etc.
6. Article XIV lists four types of medical marijuana facilities: cultivation, testing, marijuana-infused manufacturing and dispensaries. Staff has used similar definitions contained in Article XIV.
7. A medical marijuana cultivation facility is a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. Staff believes this is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is proposing that this use also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV. Staff is concerned about the effects of odor from these types of facilities and recommends a Conditional Use Permit if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.

8. A medical marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana. Staff believes this is similar to a medical testing laboratory which is allowed as a medical office use; however, the Missouri Medical Cannabis Trade Association recommends they be permitted in "light industrial zoning or its equivalent." Staff is taking this recommendation and proposing medical marijuana testing facilities to be permitted in all Industrial Districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is also recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV.
9. A medical marijuana-infused manufacturing facility is a facility licensed by the State 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. Staff is proposing two types of marijuana-infused manufacturing facilities. The first is a Type 1 extraction facility which is a facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process. This would be permitted in the GM and HM districts. Staff is recommending the full 1,000-foot separation from schools, child day cares and churches as recommended by Article XIV for Type 1 extraction facilities. Staff is concerned about the effects of hazardous substances and odor from these types of facilities and recommends a Conditional Use Permit be required if located adjacent to or across the street from any residential zoning district. The Conditional Use Permit process will provide residents notification if they are within 500 feet of the property and the ability to protest the establishment of the use if within 185 feet of the property. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. The second type of medical marijuana-infused manufacturing facility is a Type 2 post-extraction facility which is a facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale). Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and school, child day care center and church uses. The State will require both an infused-products manufacturing license and dispensary license which will be subject to dispensary restrictions if retail sales are part of the business operation.
10. A medical marijuana dispensary is a facility licensed by the State 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. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. Staff does not believe this use is appropriate in the Limited Business or Office Districts because these districts are typically within or adjacent to single-family residential neighborhoods. Staff is recommending these be allowed in the GR, HC, CS, CC and COM Districts. Staff is proposing that these uses also be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and school, child day care center and church uses so as to allow medical access to patients without being overly burdensome. Staff has found that few or no dispensaries would be allowed in the downtown area if the separation requirement was set at Article XIV's one thousand (1,000) feet default.
11. Separation measurements between facilities and then-existing elementary or secondary school, child day care center, or church uses shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church. 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, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or

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exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a “child day care center” is a facility licensed by the City or State.

12. The following general standards shall apply to all medical marijuana facilities:

- a. A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- b. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- c. No medical marijuana business shall be located in a building that contains a residence.
- d. All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M.; no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- e. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- f. 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.
- g. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- h. All other City Codes shall apply.

13. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission’s recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless City Council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

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DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

REQUIREMENTS FOR APPROVAL:

Attachment 2

Note: Language to be added is underlined or ~~stricken~~.

Sec. 36-303. - General provisions.

- (31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:
- (a) The uses are located on at least 20 acres of land; and
 - (b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and
 - (c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.
 - (d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:
 - 1. The keeping or raising of six or less chicken hens as an accessory use.
 - 2. Beekeeping (domestic honey bees, *Apis Mellifera*) as an accessory use in any district provided:
 - a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.
 - b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.
 - c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.
 - d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.

3. Medical marijuana facilities as defined in this Article.

Sec. 36-321. - Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

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Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Church: A building or structure, or groups of buildings or structures, ~~which by design and construction are~~ primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

Marijuana or marihuana: *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the State 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. All medical marijuana facilities

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shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana dispensary facility: A facility licensed by the State 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. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical 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-infused products manufacturing facility: A facility licensed by the State 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. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

- a) Type 1 extraction facility: A facility which uses combustible gases, CO2 or other hazardous substances in the marijuana extraction process.
- b) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc. and does not use combustible gases, CO2 or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the State to acquire, test, certify, and transport marijuana. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Sec. 36-363. - Conditional use permits.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

- (a) With respect to all proposed conditional uses, to the extent applicable:
 - 1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
 - 2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

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3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or

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pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;

19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
 20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;
 21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.

7. Medical marijuana facilities.

a. Purpose. The purpose of these regulations is to:

- (i) Permit legal sale of medical marijuana as set forth therein and provides detailed obligations for establishing rules and regulation for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;
- (ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;
- (iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

b. Approval standards. All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:

- (i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.
 - A. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.
 - B. 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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 - C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.
 - D. For purposes of this section, a "child day care center" is a facility licensed by the City or State.
- (ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.

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- (iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (iv) No medical marijuana facilities shall be located in a building that contains a residence.
- (v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- (vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts and uses; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of trips anticipated each day to the site.
- (vii) All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (viii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (ix) 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.
- (x) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

Sec. 36-421. - GR - General retail district.

(2) Permitted uses.

- (q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical office use group.

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- (t) Personal services use group.
- (us) Police and fire stations.
- (vt) Private clubs and lodges.
- (wu) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (xv) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (yv) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (zx) Retail sales use group.
- (aay) Schools or development centers for persons with handicaps or development disabilities.
- (bbz) Schools, business.
- (ccaa) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.
- (ddbb) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-421(2)(b) or (w) if applicable.
- (eeee) Taxidermists.
- (ffdd) Temporary lodging use group.
- (ggee) Temporary uses, as permitted by section 36-452, temporary uses.
- (hhff) Temporary vendors as permitted under subsection 36-452(3)(b)2.
- (iigg) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
- (jjhh) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

Sec. 36-422. - HC - Highway commercial district.

- (2) Permitted uses.

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- (bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical office use group.
- (ff) Nurseries, greenhouses, and garden stores.
- (gg) Other towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (hhee) Personal services use group.
- (iiff) Police and fire stations.
- (jigg) Private clubs and lodges.
- (kkhh) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (liii) Public or private vehicle and boat storage garages, yards or lots.
- (mmjj) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (nnkk) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (ooH) Retail sales use group.
- (ppmm) Schools, business.
- (qqhh) Schools or development centers for persons with handicaps or development disabilities.
- (rree) Self-service storage facilities.
- (sspp) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-422(2)(c) or (kk) if applicable.
- (ttqq) Swimming pool sales and displays.
- (uuH) Taxi dispatch yards and offices.
- (vvss) Taxidermists.

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(~~wwt~~) Temporary lodging use group.

(~~xxu~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~yyv~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~zzw~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~aaa~~) Upholstery shops.

(~~bbby~~) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities, and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(~~ccc~~) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

(f) Reserved.

(g) Residential uses on the first floor frontage of a building.

(h) Soup kitchens.

(i) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(j) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:

1. The maximum height does not exceed 200 feet;

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2. Only one tower is permitted on a lot; and
 3. All other provisions of subsection 36-363(10)(b)1. are met.
- (k) Truck stops.
- (4) *Use limitations.*
- (a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
 - (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.
 - (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
 - (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-423. - CS - Commercial service district.

- (2) *Permitted uses.*
- (gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (hh) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (jj) Medical office use group.
- (kk) Monument sales.
- (ll) Newspaper and magazine distribution agencies.
- (mm) Nurseries, greenhouses and garden stores.
- (nn) Personal services use group.
- (oo) Pest control services.
- (pp) Police and fire stations.
- (qq) Private clubs and lodges.

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(~~rree~~) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(~~sspp~~) Public or private vehicle and boat storage garages, yards or lots.

(~~ttqq~~) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(~~uu#~~) Retail sales use group.

(~~vvss~~) Repair shops, home appliance.

(~~wwt~~) Repair shops, small-engine.

(~~xxuu~~) Schools or development centers for persons with handicaps or development disabilities.

(~~yyvv~~) Schools, business and industrial.

(~~zzwww~~) Self-service storage facilities.

(~~aaaxx~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-423(2)(b) if applicable.

(~~bbbyy~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(~~ccczz~~) Swimming pool sales and display.

(~~dddaaa~~) Taxi dispatch yards and offices.

(~~eeebbb~~) Taxidermists.

(~~ffffee~~) Temporary uses, as permitted by section 36-452, temporary uses.

(~~gggddd~~) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(~~hhheee~~) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(~~iiiff~~) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(~~jjjggg~~) Truck stops.

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(kkkhhh) Upholstery shops.

(lllll) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

(mmmmj) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(b) Go-cart tracks.

(c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district-Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(d) Soup kitchens.

(e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

(f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

(a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.

(b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.

(c) No vibration, glare, or heat shall be detectable at the district boundary line.

(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

(e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

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- (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

Sec. 36-424. - CC - Center city district.

(2) Permitted uses.

- (bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical office use group.
- (ee) Personal services use group.
- (ffdd) Police and fire stations.
- (ggee) Private clubs and lodges.
- (hhff) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
- (iigg) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (jjhh) Repair shops, home appliance.
- (kkii) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).
- (lljj) Retail sales use group.
- (mmkk) Schools or development centers for persons with handicaps or development disabilities.
- (nnii) Schools, business.
- (oomm) Schools, elementary and secondary.
- (ppnn) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-424(2)(ii) if applicable.
- (qqee) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

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2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

- (~~rrpp~~) Taxi dispatch yards and offices.
- (~~ssqq~~) Temporary uses, as permitted by section 36-452, temporary uses.
- (~~ttff~~) Temporary lodging use group.
- (~~uuSS~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (~~vvtt~~) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
- (~~wwwuu~~) Wholesale sales.

Sec. 36-425. - COM - Commercial street district.

- (1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

- (2) *Permitted uses.*

- (a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

- 13. Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- 14. Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- 15. Offices, administrative, business, finance, and professional.
- 16. Offices, medical and dental.

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- ~~17.15.~~ Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
- ~~18.16.~~ Pet stores and pet grooming.
- ~~19.17.~~ Police and fire stations.
- ~~20.18.~~ Recording studios.
- ~~21.19.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
- ~~22.20.~~ Retail sales use group excluding convenience stores with gas pumps.
- ~~23.21.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
- ~~24.22.~~ Schools, business.
- ~~25.23.~~ Taverns and cocktail lounges.
- ~~26.24.~~ Temporary uses, as permitted by section 36-452, temporary uses.
- ~~27.25.~~ Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
- ~~28.26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

Sec. 36-430. - RI - Restricted industrial district.

(2) *Permitted uses.*

- (q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (t) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (u) Pest control services.
- (v) Police and fire stations.
- (w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (x) Public service and public utility uses, as follows:

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1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (y~~u~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (z~~v~~) Schools or development centers for persons with handicaps or development disabilities.
- (a~~a~~w) Schools, industrial and business.
- (b~~b~~x) Self-service storage facilities.
- (c~~c~~y) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-430(2)(c) if applicable.
- (d~~d~~z) Swimming pool sales and display.
- (e~~e~~a) Taxidermists.
- (f~~f~~b) Temporary uses, as permitted by section 36-452, temporary uses.
- (g~~g~~e) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (h~~h~~d) Upholstery shops.
- (i~~i~~e) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
- (j~~j~~f) Warehouses, storage and distribution centers.
- (k~~k~~g) Wholesale sales.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.
 - (c~~b~~) Soup kitchens.
 - (d~~e~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (e~~d~~) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (4) *Use limitations.*

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- (a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.
- (b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.
- (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-431. - LI - Light industrial district.

(2) Permitted uses.

- (p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (q) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (t) Pest control services.
- (u) Police and fire stations.
- (v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (w) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every

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one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (~~xt~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
 - (~~yH~~) Schools, industrial and business.
 - (~~zv~~) Self-service storage facilities.
 - (~~aaw~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-431(2)(c) if applicable.
 - (~~bbx~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
 - (~~ccy~~) Swimming pool sales and display.
 - (~~ddz~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~eeaa~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~ffb~~) Upholstery shops.
 - (~~ggee~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~hhdd~~) Warehouses, storage and distribution centers.
 - (~~iee~~) Wholesale sales and distribution.
 - (~~jiff~~) Wholesale sales use group.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article:
- (a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.
 - (~~cb~~) Motor freight terminals.
 - (~~de~~) Soup kitchens.
 - (~~ed~~) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

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- (fe) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (gf) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
 - (c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.
 - (d) All outdoor storage shall be at least 100 feet from any residential district boundary.
 - (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
 - (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-432. - GM - General manufacturing district.

- (2) *Permitted uses.*
- (t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (u) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (w) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

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- (x) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (y) Motor freight terminals.
- (z) Pest control services.
- (aa) Police and fire stations.
- (bb) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (cc) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (ddy) Recycling centers.
- (eez) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (faa) Schools, industrial and business.
- (ggb) Self-service storage facilities.
- (hee) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-432(2)(d) if applicable.
- (jide) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - 2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (jee) Swimming pool sales and display.
- (kk#) Temporary uses, as permitted by section 36-452, temporary uses.
- (lgg) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (mmhh) Upholstery shops.
- (nni) Vehicle rental, towing and storage services.
- (ooj) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church,

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school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

~~(ppkk)~~ Warehouses, storage and distribution centers.

~~(qq#)~~ Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

(a) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.

(b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.

(d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.

(g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

~~(ig)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

~~(jh)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

(a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.

(b) All outdoor storage shall be at least 100 feet from any residential district boundary.

(c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance

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with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

- (e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-433. - HM - Heavy manufacturing district.

(2) Permitted uses.

- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ff) Motor freight terminals.
- (gg) Pest control services.
- (hh) Police and fire stations.
- (ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
- (ii) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk#) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

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3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - ~~(llgg)~~ Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.
 - ~~(mmhh)~~ Recycling centers.
 - ~~(nnii)~~ Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
 - ~~(oojj)~~ Schools, industrial and business.
 - ~~(ppkk)~~ Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - ~~(qqll)~~ Self-service storage facilities.
 - ~~(rrmm)~~ Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.
 - ~~(ssnn)~~ Stockyards or feed lots.
 - ~~(ttpp)~~ Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
 - ~~(uupp)~~ Swimming pool sales and display.
 - ~~(vvqq)~~ Temporary uses, as permitted by section 36-452, temporary uses.
 - ~~(wwrr)~~ Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - ~~(xxss)~~ Upholstery shops.
 - ~~(yytt)~~ Vehicle rental, towing and storage services.
 - ~~(zzuu)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - ~~(aaa~~vv~~)~~ Warehouses, storage and distribution centers.
 - ~~(bbb~~ww~~)~~ Wholesale sales.
 - ~~(ccc~~xx~~)~~ Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

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- (a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.
 - (b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.
 - (c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
 - (d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - ~~(f)~~ Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.
 - ~~(g)~~ Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.
 - ~~(h)~~ Processing, reprocessing and storage of PCB containing oils.
 - ~~(i)~~ Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.
 - ~~(j)~~ Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.
 - ~~(k)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - ~~(l)~~ Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - ~~(m)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
 - (b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.
 - (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

Development Review Staff Report



- (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-434. - IC - Industrial commercial district.

(2) Permitted uses.

- (y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (z) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. . No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical office use group.
- (dd) Nurseries, greenhouses and garden stores.
- (ee) Upholstery shops.
- (ff) Personal services use group.
- (ggee) Pest control services.
- (hhdd) Police and fire stations.
- (iee) Private clubs and lodges.
- (jiff) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kkgg) Public or private vehicle and boat storage garages, yards, or lots.
- (llhh) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (mmii) Retail sales use group.

Development Review Staff Report



- (~~nnj~~) Schools, professional, commercial, industrial and trade.
 - (~~ookk~~) Schools or development centers for persons with handicaps or development disabilities.
 - (~~pp#~~) Self-service storage facilities.
 - (~~qqmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.
 - (~~rrnn~~) Swimming pool sales and display.
 - (~~ssee~~) Taxi dispatch yards and offices.
 - (~~ttpp~~) Taxidermists.
 - (~~uuqq~~) Temporary lodging use group.
 - (~~vvff~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~wwss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~xx#~~) Upholstery shops.
 - (~~yyuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~zzvv~~) Warehouses, storage and distribution centers.
 - (~~aaawww~~) Wholesale sales use group.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.
- (a) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.
 - (b) Go-cart tracks.
 - (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.~~
 - (d) Motor freight terminals.
 - (e) Soup kitchens.
 - (f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (h) Truck stops.
 - (i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

Development Review Staff Report



- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
- (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

(1) Purpose. The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) Medical marijuana facility standards. Medical marijuana facilities as defined shall follow the regulations of this article.

(a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.

1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the property line of the facility to the closest point of the property line of the school, child day care center, or church.

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, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot by public right-of-way.

4) For purposes of this section, a "child day care center" is a facility licensed by the City or State.

(d) No medical marijuana business shall be located in a building that contains a residence.

Development Review Staff Report



- (e) All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (g) 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.
- (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (i) All other City Codes shall apply.

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-02-19

Sponsored by: Schilling

First reading: _____

Second reading: _____

COUNCIL BILL 2019- 086

GENERAL ORDINANCE _____

AN ORDINANCE

1 ADOPTING a new Fee and amending the Fee Schedule for certain City services as
2 provided in the Springfield City Code, by establishing a fee for a Medical
3 Marijuana Zoning Certificate. (Staff recommends approval.)
4 _____
5

6 WHEREAS, City Code Sec. 2-425 authorizes the City to charge various fees in
7 amounts contained on schedules adopted by Ordinance and on file with the City Clerk;
8 and

9 WHEREAS, to comply with the requirements of the passage of Amendment 2,
10 now Article XIV of the Missouri Constitution a new zoning certificate is required to
11 establish compliance with separation requirements; and
12

13 WHEREAS, an evaluation of charges for the processing and issuing of a Medical
14 Marijuana Zoning Certificate, attached hereto as "Exhibit A," has been compiled by the
15 City's Finance Department; and
16

17 WHEREAS, a new fee for Medical Marijuana Zoning Certificates shall be
18 effective upon the passage of this Ordinance; and
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows, that:
22

23 Section 1 – City Council hereby adopts and approves a new fee for Medical
24 Marijuana Zoning Certificates in the amount of One Hundred Eight and 00/100 dollars
25 (\$108.00) as contained within "Exhibit A," which is attached hereto and incorporated
26 herein by reference, copies of which shall be maintained on file with the City Clerk
27 pursuant to Sec. 2-425 of the City Code. .
28

29 Section 2 – This Ordinance shall be in full force and effect from and after
30 passage.
31

32 Passed at meeting: _____
33

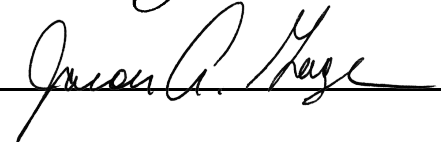
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Mayor

Attest: _____, City Clerk

Filed as an Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-____

FILED: 04-02-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Adopting a new Fee and amending the Fee Schedule for certain City services as provided in the Springfield City Code, by establishing a fee for a Medical Marijuana Zoning Certificate. (Staff recommends approval.)

BACKGROUND INFORMATION: The City currently charges \$44, for zoning certification – a “certificate” noting the zoning district of a specific property, the regulations and whether it’s subject to pending land development cases. According to the proposed State of Missouri rules for medical marijuana facilities, applicants will have to provide the State with evidence indicating that the proposed location is compliant with local zoning laws. Part of our proposed local regulations is a separation from elementary and secondary schools, child day care facilities and churches. We will have to physically visit each site and assess it as to compliance with the separation requirements. This will result in about one hour of additional staff time above the typical zoning certification (we don’t do field visits for zoning certification) as well as mileage expenses. This work will be completed by various staff but primarily will be completed by an associate (PAT 8) or senior (PAT 10) planner.

Based on the anticipated additional time spent on site assessment, staff recommends that a new fee be implemented for medical marijuana zoning certificates. A preliminary fee study based on the time currently spent on zoning certificates plus one hour of additional staff time indicates a total fee of \$92 (see “Exhibit A”). An additional 17% technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system, for a total fee of \$108 for medical marijuana zoning certificates.

REMARKS: Staff recommends approval of this new fee.

Submitted and Recommended by:

Approved by:



Mary Lilly Smith, Director



Jason Gage, City Manager

Exhibit A

Permit, Plan Review, and Inspection Fees Planning and Development

Current Status Based on FY 17-18 Data					
Service Description	Current Fee	City Cost	Cost Recovery	Units of Service	Revenue Generated
Zoning Certificate-Medical Marijuana	0	92	0%	0	0
Technology Fee	0%	17%	0%	0	0
Totals					\$0

Proposed Fees for FY 19-20					
Service Description	Proposed Fee	% Change in Fee	New Cost Recovery	Projected Revenue	Change in Revenue
Zoning Certificate-Medical Marijuana*	92	100.0%	100%	4,605	4,605
Technology Fee	17%	100.0%	100%	783	783
Totals				\$5,388	\$5,388

Zoning Certificate-Medical Marijuana

An applicant would apply to have staff provide official certification of the zoning district of a particular property on the date the zoning certificate is issued. Medical marijuana facilities require physical site visit to assess separation requirements. The zoning certificate also provides notice of any rezoning applications on file for the property in the Planning and Development Department office.

Technology Fee

The technology fee is assessed on the City cost for the license and maintenance of the electronic plan submission and review system.

*Fee would be effective upon passage; anticipate 50 applications over the next few months.

One-rdg. _____
P. Hmgs. _____
Pgs. 11
Filed: 04-16-19

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019 - 096

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Memorandum of
2 Understanding between the International Association of Fire Chiefs
3 and the City of Springfield for the purpose of the Fire Department
4 serving as a host agency for the International Association of Fire
5 Chiefs International Fellowship Program.
6
7 _____

8 WHEREAS, the International Association of Fire Chiefs ("IAFC") has established
9 a professional training agreement with Aramco Training Services Company ("ATSC");
10 and
11

12 WHEREAS, IAFC facilitates professional on-the-job training for selected
13 employees of the Saudi Arabian Oil Company, an affiliate of ATSC; and
14

15 WHEREAS, IAFC selects leading United States fire departments to serve as host
16 agencies for the International Fellowship Program; and
17

18 WHEREAS, IAFC has expressed a desire for the City of Springfield Fire
19 Department ("SFD") to serve as a host agency; and
20

21 WHEREAS, SFD wishes to partner with IAFC for the purpose of participating in
22 the International Fellowship Program; and
23

24 WHEREAS, the International Fellowship Program is designed to be cost-neutral
25 to the host agency.
26

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
31 a Memorandum of Understanding ("MOU") with IAFC for the purpose of allowing the
32 Springfield Fire Department to participate in the IAFC International Fellowship Program
33 as a host agency. Said MOU shall be in substantially the same form and content as that

document attached hereto and incorporated by reference as "Exhibit 1." The City Manager, or his designee, is further authorized, upon the execution and approval of the agreement by all parties thereto, to perform, or direct to be performed, all of the duties and obligations under the Agreement.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

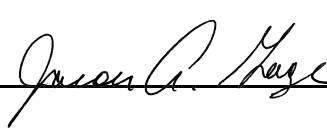
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form:  _____, Assistant City Attorney

Approved for Council action:  _____, City Manager

EXPLANATION TO COUNCIL BILL 2019- 096

FILED: 04-16-19

ORIGINATING DEPARTMENT: Fire

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Memorandum of Understanding between the International Association of Fire Chiefs and the City of Springfield Fire Department for the purpose of the Fire Department serving as a host agency for the International Association of Fire Chiefs International Fellowship Program.

BACKGROUND INFORMATION:

The International Association of Fire Chiefs ("IAFC") has an established professional training agreement with Aramco Training Services Company ("ATSC") who facilitates on-the-job training for selected employees of the Saudi Arabian Oil Company, an affiliated of ATSC. This training agreement provides opportunity for Firefighters of Saudi Aramco Fire Protection Department to be placed with host fire service agencies in the United States to receive practical training and work experience meaningful to their professional development.

REMARKS: Due to scheduling and logistics for the Springfield Fire Department and the IAFC, the anticipated arrival of the cohort, if approved, is Spring 2020.

Submitted by:



David Pennington, Fire Chief



Jason Gage, City Manager

Exhibit 1

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into between the International Association of Fire Chiefs (IAFC), a non-profit, IRS 501(c)(3), tax-exempt corporation with offices at 4795 Meadow Wood Lane, Suite 100, Chantilly, VA 20151, and the City of Springfield Missouri / Springfield, Mo. Fire Department (SFD), located at 830 Boonville Ave., Springfield, MO, The IAFC and SFD may be referred to in this document either singly or in plural as “the Parties.”

The IAFC has entered into a Professional Training Program Agreement (PTPA) with the ARAMCO TRAINING SERVICES COMPANY (hereinafter referred to as “ATSC”). ATSC facilitates on-the-job training for selected employees of the Saudi Arabian Oil Company (“Saudi Aramco”), an ATSC affiliate. As part of this training, selected Saudi Aramco employees are placed in other companies to receive practical training and to broaden their experiences.

The purpose of this MOU is to set out a mutual understanding between the IAFC (hereinafter referred to as the “HOST”) and SFD (hereinafter referred to as the “HOST DEPARTMENT”) to place eight (8) Saudi Aramco employees (hereinafter collectively referred to as “TRAINEE” with the HOST DEPARTMENT for the purpose of practical training or work experience (hereinafter referred to as “TRAINING” and as described in Schedule “A” to this MOU). TRAINEE’s assignment shall be for a term of approximately six (6) months. TRAINEE shall receive practical training and work experience within the HOST DEPARTMENT and will be under the HOST DEPARTMENT’s management, direction, and control during the term of TRAINEE’s assignment with HOST DEPARTMENT. HOST DEPARTMENT shall be responsible for and shall direct TRAINEE’s work during the term of TRAINEE’s assignment, under the HOST’s supervision. HOST DEPARTMENT shall endeavor to assign TRAINEE to meaningful, substantive and rewarding work, not exclusively routine staff work.

Training and Consideration:

HOST DEPARTMENT shall provide each TRAINEE with the TRAINING as described in Schedule “A” to this MOU.

HOST DEPARTMENT shall not be responsible for the salary, living expenses, and travel expenses pertaining to TRAINEE during TRAINEE’s assignment with HOST.

In consideration for receiving the benefit of the services of TRAINEE, HOST DEPARTMENT shall provide TRAINEE with office space, routine daily work assignments and normal supervision. Work performed by TRAINEE during the TRAINEE’s assignment with HOST DEPARTMENT shall be deemed to be work performed by TRAINEE on behalf of HOST DEPARTMENT and any remuneration or compensation HOST DEPARTMENT receives for the work product and results of TRAINEE’s services during the assignment with HOST DEPARTMENT shall be for HOST DEPARTMENT’s benefit.

If a TRAINEE is unable to continue in the program (for any unforeseen and acceptable reason) prior to the completion of 6 months, ATSC shall have the option of replacing that TRAINEE.

HOST DEPARTMENT may incur expenses that will require reimbursement from the HOST. All sums that become due under this MOU shall be paid by the HOST promptly after submission of an itemized invoice as follows:

HOST DEPARTMENT invoices shall be addressed to:

International Association of Fire Chiefs, Inc.
4795 Meadow Wood Lane, Suite 100
Chantilly, VA 20151
Ref: Agreement No. A-0087-2016

HOST DEPARTMENT shall submit invoices in digital format as an Adobe PDF file attachment to an email sent to lbell@iafc.org, with the word "invoice" somewhere in the subject line of the email. Complete remittance instructions should be included on the invoice. After certification of each invoice by HOST, HOST shall promptly pay HOST DEPARTMENT the amount due. Payments to HOST DEPARTMENT shall be made in accordance with HOST DEPARTMENT's remittance instructions.

Authorization to Work:

ATSC is solely responsible for obtaining for each TRAINEE a J-1 Visa (Exchange Visitor Visa) which authorizes TRAINEE to undertake the practical training and work experience contemplated by this MOU. TRAINEE's original U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification (I-9) form, together with a copy of TRAINEE's visa and immigration documents, shall be maintained at ATSC's offices. Upon request, HOST shall be entitled to receive a copy of such forms and documents on or prior to deployment of each TRAINEE at HOST DEPARTMENT.

Indemnification:

The HOST agrees to defend, indemnify and hold the HOST DEPARTMENT, and its directors, officers, or employees harmless from any and all claims, demands, suits, causes of action, judgments, obligations, damages, liabilities, penalties, costs and expenses of any kind or nature including, without limitation, reasonable attorney's fees or disbursements, arising out of or relating to the HOST DEPARTMENT's performance or breach of the MOU or negligent or wrongful act or omission (or alleged act or omission) in connection with this MOU.

The HOST further agrees to defend, indemnify and hold the HOST DEPARTMENT, and its directors, officers, or employees harmless from any and all claims, demands, suits, causes of action, judgments, obligations, damages, liabilities, penalties, costs and expenses of any kind or nature including, without limitation, reasonable attorney's fees or disbursements, arising out of

any claim by a trainee for workers' compensation that arises in connection with the services to be performed pursuant to this MOU.

Applicable Law:

This MOU and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Any litigation concerning any controversy or claim arising out of or relating to this MOU or any breach thereof shall be proper only in the Circuit Court of Greene County, Missouri.

The parties agree to comply with all applicable regulations governing Exchange Visitor Programs contained in the Code of Federal Regulations (22 C.F.R. Part 62, et seq.). ATSC shall ensure that each TRAINEE has the insurance coverage required by such regulations (22 CFR 62.14). A summary of the health insurance coverage provided to each TRAINEE will be provided by ATSC to HOST and will be made available to HOST DEPARTMENT upon request.

Employment Status:

TRAINEE shall at all times remain an employee of Saudi Aramco whose services are being lent to HOST DEPARTMENT. TRAINEE shall not be eligible for any employee benefits provided by HOST DEPARTMENT to its employees.

Equal Employment Opportunity:

The HOST DEPARTMENT shall abide by the requirements of 41 CFR, part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability.

Termination:

HOST may terminate this MOU, or the assignment of any TRAINEE under this MOU, at any time by giving prior written notice of such termination to HOST DEPARTMENT, twenty (20) days prior to the date of such termination.

Should the HOST commit a material breach of this MOU, HOST DEPARTMENT may terminate the training assignment of one or more TRAINEEs or may terminate this MOU by giving HOST thirty (30) days written notice to that effect. If a TRAINEE's assignment is

terminated, all TRAINEE's lesson plans and resources will be made available to HOST who must share with ATSC and its Affiliates through the IAFC Academy, the IAFC's web-based learning platform.

The obligations under the Confidentiality, Intellectual Property, Settlement of Disputes, and Liability provisions set forth herein shall survive the termination of TRAINEE's assignment or the termination of this MOU.

Notices:

All notices, authorizations and approvals pertaining to this MOU shall be in writing. All notices between the parties shall be sufficient when delivered in person or sent by email or facsimile, or by certified or registered mail, to the appropriate address listed in this MOU.

Remedies:

All remedies available to either party for one or more breaches by the other party are and shall be deemed cumulative and may be exercised separately or concurrently without waiver of any other remedies. The failure of either party to act in the event of a breach of this MOU by the other party shall not be deemed a waiver of such breach or a waiver of future breaches unless such waiver shall be in writing and signed by the party against whom enforcement is sought.

Conflict of Interest:

Except for customary promotional material and occasional business entertainment limited in value in any instance to the reasonable cost of a business meal, and except as specifically authorized under the terms of this MOU, neither party shall give, offer, or accept and warrants that it has not given, offered or accepted, directly or indirectly, any money, personal services, credit or other thing of value, to or from the other party, its affiliated or related companies, or any of their agents, independent contractors or subcontractors or the employees of any of the foregoing, in order to influence the award of this MOU or any other contract that has been or may be awarded by a party, or their terms, performance, administration, extension or termination.

Further, each party shall avoid situations in which any personal interest could conflict with the interests of the other party or any of its affiliated or related companies. Each party shall inform the other party at once in writing should a party become aware that any such conflict of interest has arisen. Any violation of this provision shall constitute a substantial breach of this MOU which, without prejudice to the non-breaching party's right to enforce any other remedy provided by law, shall empower the non-breaching party to terminate this MOU for default and claim damages, including but not limited to, any increased costs incurred by the non-breaching party as a result of such breach.

Confidentiality:

Both parties acknowledge that the provision of the training provided under this Agreement may require the exchange of each party's trade secrets, confidential and proprietary information ("Confidential Information"). Each party will use all reasonable safeguards to protect the other party's Confidential Information and use the same care and discretion to avoid disclosure, publication or dissemination of Information as it uses with its own similar information that it does not wish to disclose, publish or disseminate. Neither party will disclose the other party's Confidential Information to any third party without the prior written consent of the other party, except as is necessary to provide the training hereunder.

Export Controls:

Materials, technology and/or technical data supplied under this MOU may be subject to U.S. Export Control Law and regulations. To the extent U.S. Export Control Law or regulations may be applicable, HOST DEPARTMENT agrees to comply fully with such law and regulations. Upon ATSC's request, HOST / HOST DEPARTMENT shall provide ATSC with written certification that HOST / HOST DEPARTMENT has complied with such law and regulations.

Intellectual Property:

For the purposes of this MOU, Intellectual Property is any intellectual creation that either party rightfully owns prior to the execution of the MOU or creates during the performance of this MOU and wishes to protect. Protection may come in the form of patents, copyrights, trade secrets, trademarks, trade names, and other mechanisms to prevent unauthorized access to the property.

- A. All rights, title, and interest in the intellectual property, data, or materials legally owned by either party prior to the execution of the original MOU, whether or not utilized in the performance of this MOU, shall remain exclusive property of the original owner.

Relationship of the Parties:

- A. This MOU shall not constitute a joint venture, partnership, consortium, or any other form of business arrangement or organization, other than the mutual understanding and the rights and obligations of the parties as expressly set forth herein.
- B. None of the parties shall have the authority to bind the other party or make any commitments of any kind for or on behalf of the other party nor act as an agent or partner of the other for any purpose whatsoever.

Debarment and Suspension (Executive Orders 12549 and 12689):

No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549.

General Provisions:

HOST DEPARTMENT shall not subcontract any part of the work or services under this MOU without HOST's prior written consent.

If HOST approves a proposed subcontractor, the following provisions shall apply:

- a) HOST DEPARTMENT shall remain primarily responsible for (i) all services and work performed by any subcontractor and (ii) all goods, materials or equipment provided by any subcontractor.
- b) HOST DEPARTMENT shall be fully responsible for the acts and omissions of all of its subcontractors, at whatever tier.
- c) HOST DEPARTMENT shall schedule, coordinate and manage the services and work performed by any subcontractor and ensure that all services and work performed by any subcontractor complies with the terms of this MOU, including any schedule deadlines.
- d) HOST DEPARTMENT shall ensure that all subcontracts contain provisions that obligate said subcontractors to fully comply with all of the terms and conditions of this MOU.

This MOU shall be binding upon and inure to the benefit of the successors and assigns of the parties to this MOU; however, this MOU may neither be assigned nor transferred either in whole or in part, by either party without first obtaining the written consent of the other party.

Failure of either party to exercise any of its rights under this MOU shall in no way constitute a waiver of those rights, nor shall such failure excuse the other party from any of its obligations under this MOU. No benefit or right accruing to either party under this MOU shall be waived unless the waiver is reduced to writing and signed by both parties to this MOU. The waiver, in one instance, of any act, condition or requirement stipulated in this MOU shall not constitute a continuing waiver or a waiver of any other act, condition or requirement or a waiver of the same act, condition or requirement in other instances, unless specifically so stated.

This MOU shall not give any person not a party to this MOU any right to enforce its provisions. The laws of the State of Maryland shall govern this MOU without regard to conflicts of laws principles. If any provision(s) of this MOU are invalid or inoperative under law, the remaining provisions of this MOU shall continue in full force and effect. This MOU may be executed in any number of counterparts, and each and all counterparts together shall constitute one and only one agreement. This MOU contains the entire agreement of the parties and supersedes any and

all previous agreements they may have made with regard to the subject matter of this MOU, whether orally or in writing.

IN WITNESS WHEREOF, the parties hereto have set their hands. This MOU will be effective beginning fourth quarter 2019 and will be in effect until second quarter 2020.

FOR International Association of Fire Chiefs, Inc.

By: _____
Mark W. Light
CEO and Executive Director

Date: _____

FOR Springfield Fire Department

By: _____
David Pennington
Fire Chief

Date: _____

FOR City of Springfield

By: _____
Jason Gage
City Manager

Date: _____

SCHEDULE A

SCOPE OF WORK

The International Association of Fire Chiefs (IAFC) is partnering with the Springfield Fire Department (SFD) to develop an International Fellowship Program, an immersion-based training program with the U.S. fire service for Saudi Aramco Firefighters (“TRAINEES”). Through the program, TRAINEES will internalize the traditions and best practices of the U.S. fire service and will develop a framework to apply what they’ve learned at Saudi Aramco’s Fire Protection Department.

General overview:

- Eight TRAINEES will begin their program with SFD in the fourth quarter of 2019 and conclude in the second quarter of 2020.
- TRAINEE’s work schedule shall be limited to 40 hours a week. The TRAINEE is responsible for reporting all hours worked in excess of the regular established work schedule to the IAFC.
- SFD shall evaluate TRAINEE on the same basis that it evaluates its own employees. In addition to normal supervision, SFD shall provide the IAFC with a monthly performance evaluation of the TRAINEE’s assignment.
- During the program, TRAINEES will be expected to work on a research paper with guidance from an IAFC designated “Advisor.”
- Leadership classes for TRAINEES will also be open to as many SFD personnel as the class curriculum is designed for.

Proposed Plan of action:

- The TRAINEES will begin with a two to four-week orientation program. The IAFC and SFD will collaboratively develop the orientation program and ensure that the TRAINEES are issued uniforms/PPE and an administrative and operational orientation to SFD. During this period, SFD will assess each TRAINEES ability to perform to SFD’s standard. The IAFC and SFD will assess the TRAINEES fitness for the program before embedding them at SFD stations.
- TRAINEES will be embedded at SFD fire stations for approximately five months. At the mid-point of their “station-time,” the IAFC and SFD will meet with TRAINEES to discuss their experience to date and provide feedback.
- IAFC and SFD will collaborate on developing an agenda for TRAINEES last week.

End of Schedule A

Emer. _____
P. Hmgs. _____
Pgs. 10
Filed: 04-16-19

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-098

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Intergovernmental
2 Agreement with Greene County to share in the costs related to the
3 Accurant Crime Analysis software.
4 _____
5

6 WHEREAS, the City of Springfield has contracted with LexisNexis Risk Solutions
7 to provide analytical software, known as Accurant Crime Analysis, that supports the
8 extraction, combination, cleaning, analysis, and reporting of law enforcement related
9 data for use by the Springfield Police Department ("SPD"); and
10

11 WHEREAS, the Greene County Sherriff's Department ("GCSO") has previously
12 used the same analytical software as SPD; and
13

14 WHEREAS, SPD and GCSO have historically partnered to share costs related to
15 the necessary analytical software; however, the most recent agreement between the
16 agencies has expired; and
17

18 WHEREAS, SPD and GCSO wish to consolidate economic resources to create a
19 uniform and seamless system which will result in improved data collection and data
20 sharing between agencies.
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 SPRINGFIELD, MISSOURI, as follows, that:
24

25 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
26 an Intergovernmental Agreement with Greene County for the purpose of sharing costs
27 related to the Accurant Crime Analysis software; said agreement to be substantially in
28 form and content as that document attached hereto and incorporated herein by
29 reference as "Exhibit A."
30

31 Section 2 – This Ordinance shall be in full force and effect from and after
32 passage.

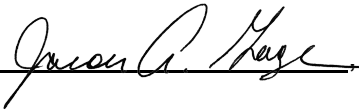
33
34 Passed at meeting: _____
35

36 _____
37 Mayor
38

39 Attest: _____, City Clerk
40

41 Filed as Ordinance: _____
42

43 _____
44 Approved as to form: , Assistant City Attorney
45

46 _____
47 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 098

FILED: 04-16-19

ORIGINATING DEPARTMENT: Police

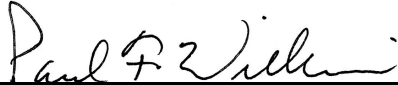
PURPOSE: Authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with Greene County to share in the costs related to the Accurant Crime Analysis software.

BACKGROUND INFORMATION: The Springfield Police Department currently contracts with LexisNexis Risk Solutions for crime analysis software, known as Accurant Crime Analysis. Historically, the Police Department has shared costs the costs of this software with Greene County and the City of Republic. The previous agreement with Greene County and the City of Republic recently expired. The City of Republic has discontinued use of this particular software; however, Greene County continues to use it. This agreement will create a new cost sharing agreement with Greene County for continues use of the Accurant Crime Analysis Software.

REMARKS: A budget adjustment is not required; the budget already reflects cost sharing for this particular software based on the previous agreement.

Submitted by:

Approved by:



Paul F. Williams, Chief of Police



Jason Gage, City Manager

Exhibit A

ROUTING	(1) ORIGINATING DEPARTMENT	(2) GREENE COUNTY	(3) FINANCE DEPARTMENT
ORDER	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE FEBRUARY 1, 2019	TERMINATION DATE JANUARY 30, 2020	CONTRACT NUMBER:	
(X) NEW CONTRACT		() RENEWAL OF CONTRACT No.	
CITY		Greene County	
CITY OF SPRINGFIELD 321 E. CHESTNUT EXPRESSWAY SPRINGFIELD, MO 65802 PHONE (417) 864-1722 EMAIL: TPETERS@SPRINGFIELDMO.GOV ATTN: CAPTAIN TAD PETERS DEPT: POLICE		GREENE COUNTY MISSOURI 940 N. BOONVILLE SPRINGFIELD, MO 65802 PHONE: (417) 829-6265 EMAIL: DWADE@GREENECOUNTYMO.GOV ATTN: LT DEBORAH WADE	

**INTERGOVERNMENTAL AGREEMENT REGARDING
LAW ENFORCEMENT SERVICES**

THIS AGREEMENT, made and entered into this _____ day of _____, 20__, by the parties identified above.

WHEREAS, the City of Springfield and Greene County desire to consolidate economic resources, achieve a uniform analytical software and services system that supports the extraction, combination, cleaning, analysis and reporting of law enforcement related data; and

WHEREAS, in order to accomplish these goals, such other Agencies as may now or at a future date execute this Agreement and its Exhibits substantially in the form set forth herein may be added as parties to this agreement; and

WHEREAS, the City of Springfield has contracted with LexisNexis Risk Solutions to provide the software necessary to implement such analytical software system; and

WHEREAS, the Agencies recognize the value in pooling their resources to create a uniform and seamless system which will greatly assist all participating agencies and the general public through improved data collection and data sharing; and

WHEREAS, LexisNexis Risk Solutions offers all participating agencies an analytical software, known as Accurint Crime Analysis, and services to support the extraction, combination, cleaning, analysis and reporting of law enforcement related data that can meet the collective and individual needs of each agency; and

WHEREAS, this Agreement and all attachments incorporated by reference herein sets forth the scope of each Agency's responsibilities as well as the benefits each agency will receive by the Agency's participation in this contract.

NOW THEREFORE, the Agencies executing this agreement enter into an Intergovernmental Agreement under §70.220 RSMo for their mutual benefit as further described in this Agreement, and for the benefit, health, safety and welfare of the public.

- I. **Term and Automatic Renewal.** The term of this Agreement shall commence when approved by the governing bodies of each party and executed by the persons authorized to sign on behalf of each party. This Agreement shall be for a period of one (1) year, and shall automatically renew each year unless either party has been terminated or cancels, or if Greene County provides written notice of non-renewal to the City of Springfield at least 180 days prior to the end of the Agreement term.
- II. **Scope and Services, Costs, and Payment.** The Scope of Services shall be as described in **Exhibit A**, "Scope of Services," attached and incorporated herein. The costs and payments associated with this Agreement shall be as described in **Exhibit B**, "Costs and Billing" attached and incorporated herein.
- III. **Non-Discrimination.** In the performance of the services of this Agreement, each party agrees not to discriminate against any employee or applicant because of race, religion, age, color, sex, handicap, national origin or ancestry. Each party further agrees not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, religion, color, age, disability, sex, or national origin.
- IV. **Liability.** Each party shall be responsible for the consequences of its own acts or omissions and those of its employees, boards, commissions, agencies, officers and representatives, and shall be responsible for losses, claims and liabilities which are attributable to such acts or omissions.
- V. **Compliance with applicable laws.** Each party shall become familiar with, and shall at all times comply with and observe all federal, state, and local laws, ordinances, and regulations which may in any manner affect this Agreement.
- VI. **Legal Powers and Duties.** Each party understands and agrees that no clause, term or condition of this Agreement shall be construed to supersede the lawful powers or duties of either party.
- VII. **Notices.** All notices to be given under the terms of this Agreement shall be in writing and signed by the authorized agent of the party serving the notice and shall be sent by registered or certified mail, return receipt required, postage prepaid, or hand delivered to the persons designated below:
 - a. City of Springfield: Jason Gage, City Manager
 - b. Greene County: _____
 - c. If any party wishes to designate another person for the receipt of notice under this section, that party shall notify all other parties in writing by sending a notice under this section.
- VIII. **Controlling Law.** It is expressly understood and agreed to by the parties that in the event of any disagreement or controversy between the parties, Missouri law shall be controlling. Venue shall be in the circuit court of Greene County, Mo.
- IX. **Entire Agreement.**
 - A. The entire Agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof.
 - B. This entire Agreement is intended to be an agreement solely among the parties hereto and for their benefit only. No part of the Agreement shall be construed to add to, supplement, amend, abridge or repeal existing duties, rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the parties.
- X. **Amendment.** This agreement shall be binding on the parties hereto, and cannot be varied or waived by any oral representations or promise of any agenda or other person of the parties hereto. Any change in any provision of this Agreement may only be made by a written amendment, signed by the duly authorized agent or agents who executed this Agreement, unless another provision is specifically provided for elsewhere in this Agreement.
- XI. **Severability.** If any provision of this Agreement is determined by any court of law to be unconstitutional, illegal, or unenforceable, it is the intention of the parties that all other provisions of this Agreement remain in full force and effect.

- XII. **No Waiver.** No failure to exercise, or any delay in exercising, any right, power, or remedy hereunder by any party shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided by the party making the waiver. A waiver of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.
- XIII. **Termination.**
- a. **Termination by the City of Springfield for Cause.** If through any cause, any agency shall fail to fulfill in a timely and proper manner its obligations under this Agreement or if any agency shall violate any of the terms or conditions of the Agreement, the City of Springfield shall have the right to terminate this Agreement as to that agency by giving notice of such failure or violation under the Notice procedures provided in Section VII, Notices. Upon receipt of such notice the agency shall have thirty (30) days to cure such failure or violation or the Agreement shall terminate. The procedures under paragraph C, below, shall apply to the terminated agency. If any agency is terminated under this paragraph, it shall not be entitled to reimbursement of funds already paid for maintenance and support for the current year of the contract. Termination as to one Agency shall not affect the Agreement as to another.
 - b. **Cancellation by City of Springfield or any Agency, no cause, payment.** Any party may terminate this Agreement without cause by giving the other party no less than one hundred eighty (180) days written notice of its intent to cancel, under the procedures of Section VII, Notices. If any agency terminates participation under this paragraph, it shall not be entitled to reimbursement of funds already paid for maintenance and support for the current year of the contract.
 - c. **Procedures upon Termination, Cancellation or Non-Renewal of Any Agency.**
 - A. If any agency is terminated, cancels or non-renews, their participation in this Agreement the City of Springfield shall deactivate all passwords and log-ins issued to that agency as of the date of termination, cancellation or non-renewal.
- XIV. **Third Party Rights.** This Agreement is intended to be solely among the parties hereto. Nothing in this Agreement shall be construed to add, supplement, amend, abridge or repeal existing rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the parties.
- XV. **Authority.** Each party represents that it has the authority to enter into the Agreement and that all necessary procedures have been followed to secure authorization to enter into this Agreement from the party's respective governing body. Each person signing the Agreement represents and warrants that he or she has been duly authorized to do so.

IN WITNESS WHEREOF, the parties hereto, by their respective authorized agents, have caused this Agreement to be executed.

FOR THE CITY OF SPRINGFIELD:

CITY OF SPRINGFIELD

A municipal corporation

Jason Gage, City Manager	Date
--------------------------	------

Approved as to form:

City Attorney or designee	Date
---------------------------	------

FOR GREENE COUNTY:

GREENE COUNTY SHERIFF

Sheriff Jim Arnott

GREENE COUNTY COMMISSION

Bob Dixon, Presiding Commissioner

Harold Bengsch, Associate Commissioner District #1

Associate Commissioner District #2

Date

Approved as to form:

County Counselor

ATTEST: I, Shane Schoeller, the Clerk of the Greene County Commission hereby attests that the above agreement was executed by Commissioners Bob Dixon, Harold Bengsch and _____, pursuant to a duly passed motion of the Greene County Commission approving the agreement.

County Clerk, Shane Schoeller

ATTEST: I, Cindy Stein, am the duly appointed and acting Auditor for Greene County, Missouri, and in that capacity, do hereby certify on this _____ day of _____, 2019, that there is an unencumbered balance to the credit of the appropriation which is to be charged for the County's share of the costs described in this Agreement and an unencumbered cash balance in the County treasury to the credit of the fund from which the County's financial obligation described in this agreement shall be paid sufficient to meet the County's obligations under this agreement.

Auditor, Cindy Stein

Exhibit A

I. OVERVIEW:

The purpose of this contract is to allow Greene County, Mo to partner with the City of Springfield, Mo to use Accurant Crime Analysis as an analytical software service company under the terms of this agreement. The City of Springfield presently contracts with LexisNexis Risk Solutions to provide this service. LexisNexis Risk Solutions is an analytical software and service company that provides services to support the extraction, combination, cleaning, analysis and reporting of law enforcement related data. Accurant Crime Analysis will access the law enforcement agency data and make it available to each user via a web-based login. Accurant Crime Analysis will pull selected data from Niche and place it into the selected Accurant Crime Analysis database fields. The data will then reside on the Accurant Crime Analysis servers. The Parties authorized employees will be granted access to the database maintained by Accurant Crime Analysis. The goal of this agreement is to provide a standardized collection and analysis of this data from the regional law enforcement agencies.

II. City of Springfield Responsibilities:

1. **Connection for Data Transfer.** Greene County is presently using Niche. The City of Springfield, Mo shall provide an SSIS (SQL Server to SQL Server) connection between the Niche production server and Accurant Crime Analysis so that Accurant Crime Analysis can pull the selected data from the Niche database.
2. **Billing.** The City shall provide invoices to Greene County consistent with Exhibit B.
3. **Login.** The City shall provide user identification and login information to the participating agencies through Accurant Crime Analysis

III. Greene County Responsibilities:

1. **Hardware.** Greene County shall be responsible to acquire, maintain and administer necessary hardware equipment and software applications necessary for accessing the Accurant Crime Analysis from their local site.
2. **Greene County shall ensure that all users from Greene County use the software in a manner consistent with the law and for valid law enforcement and public safety purposes only.**
3. **Security breaches.** Greene County shall promptly report any suspected security breaches to the City of Springfield, Mo Chief of Police and the Greene County Sheriff.
4. **Release of Records.** Greene County shall handle requests for release of records as required by law.
5. **Additional Costs.** Greene County shall be responsible to the City of Springfield, Mo for any additional costs for these services as a result of the addition of Greene County users.
6. **Updating User List.** Greene County shall update the user list with the City of Springfield, Mo should there be any change to the authorized Greene County employees.

IV. Security and Release of RMS Data:

Any data converted, transferred, entered or stored shall be the sole property of the party that produced the data, with each party granting to each other consent to use and review the data only for lawful law enforcement purposes and in accordance with other procedures described herein. Such data shall be used solely for valid law enforcement purposes according to law and the policies of each agency. Each party shall be responsible for responding to 610.010 et seq. requests and any other requests from any requestor, to view, access, or release its own data. No party shall allow access to or release the data of another party to anyone who is not a valid user of one of the parties to this Agreement. If a request is made to one party for access or release of data of another party, the requestor shall be directed to the party that produced that data.

Exhibit B

I. Billing

Greene County shall be invoiced by the City of Springfield, Mo, by June 1st each year for the contract term of this agreement. The payment shall be due to the City of Springfield, Mo no later than the thirtieth (30th) of that month. The invoices will reflect the Contract terms with two partnering agencies. Greene County is aware that the amounts shown in the tables below are subject to change should there be an addition or removal of users or partnering agencies.

SPD: Springfield, Mo Police Department

GC: Greene County

Estimated Contract Term with 2 Participating Agencies

Accurint Crime Analysis (formerly ATAC Raids) Total First Year Cost for SPD and GC	\$8,712
Divided by total number of officers (SPD 362 + GC 120 = 482 Total Sworn)	\$18.07 price per officer
Number of GC Officers Price Per Officer	120 <u>x \$18.07</u>
Total amount GC owes SPD for the Contract Term	\$2,168.40

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-16-19

Sponsor: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019- 099

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by
2 revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section
3 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403,
4 ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404,
5 ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of
6 accelerating nuisance abatement; and, revising Section 74-406, ‘Charges
7 for abatement by city,’ subsections (b) and (c) for the purpose of
8 enhancing cost recovery.
9 _____

10
11 WHEREAS, nuisance conditions on private property within city limits continue to
12 be an issue; and

13
14 WHEREAS, expeditious nuisance abatement of such conditions is necessary.

15
16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:

18
19 Section 1 – Chapter 74 – ‘NUISANCE AND HOUSING CODE’ of the Springfield
20 City Code is hereby amended as follows:

21
22 (NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.)

23
24 Sec. 74-31. - City manager's authority.

25
26 (b) When a property owner does not respond to an "abatement notice" as set forth
27 in section 74-33 by hearing request or nuisance removal or abatement, the city
28 manager may remove or abate the nuisance 105-business days after the notice
29 is delivered according to subsection 74-33(b).
30

31 Sec. 74-33. – Notice Requirements.
32

(d) The "abatement notice" must be in writing and:

(4) Order the owner to remove or abate nuisance conditions within 105
~~business~~ days of receiving the notice;

(5) Warn the property owner that if nuisance removal or abatement does not
begin within 105~~business~~ days and continue to completion without
unnecessary delay, city personnel may cause nuisance removal or
abatement and include all attendant costs like title reports, administrative
fees, certified deeds, and contractor charges in:

Sec. 74-403. - Weeds over ~~42~~ 7 inches in height declared nuisance.

The growth of weeds, brush, or other rank vegetation more than ~~42~~ 7 inches in height is
declared to be a public nuisance per se, and detrimental to the health, safety, and
welfare of the public.

Sec. 74-404. - Permitting growth of weeds over ~~42~~ 7 inches in height.

It shall be unlawful for the owner, lessee or agent in control of any lot or piece of land
within the city to allow weeds, brush or rank vegetation to attain a height greater than ~~42~~
7 inches on such land or lot. Any person violating this section shall be punished as
provided by section 1-7.

Sec. 74-406. - Charges for abatement by city.

(b) In weed abatement cases under 74-405, the director of building development
services shall certify the costs of abatement of weeds and other rank vegetation
to the director of finance. The director of finance may include such costs in a
special tax bill or seek to have them added ~~add them~~ to the annual real estate
taxes for the tract of land.

(c) If a special tax bill is issued, the owner of the property at the time the nuisance
was abated shall be personally liable to the city for the cost of the abatement,
which shall be a lien upon the tract of land where the nuisance was abated until
paid in full. Any special tax bill issued shall be ~~for a duration of five years~~
enforceable until paid, shall bear interest until paid at the legal rate, and may be
foreclosed upon by the city through appropriate proceedings in the circuit court.
Costs of collection, including attorney fees, shall be added thereto, in the event a
lawsuit is required to enforce the tax bill.

Section 2 – This Ordinance will be in full force and effect from and after passage.

76 Passed at Meeting: _____

77

78

79

80

81 Attest: _____, City Clerk

82

83 Filed as Ordinance: _____

84

85

86 Approved as to Form: Duke M. Donald, Assistant City Attorney

87

88

89 Approved for Council Action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019-099

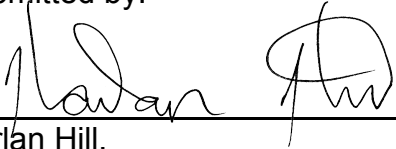
FILED: 04-16-19

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: Amending Springfield City Code Chapter 74 – ‘Nuisance and Housing Code,’ by revising Section 74-31, ‘City manager’s authority,’ subsection (b), Section 74-33, ‘Notice requirements,’ subsections (d)(4) and (5), Section 74-403, ‘Weeds over 12 inches in height declared nuisance,’ and Section 74-404, ‘Permitting growth of weeds over 12 inches in height,’ for the purpose of accelerating nuisance abatement; and, revising Section 74-406, ‘Charges for abatement by city,’ subsections (b) and (c) for the purpose of enhancing cost recovery.

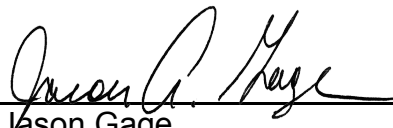
BACKGROUND AND REMARKS: This Ordinance allows expedited enforcement of City Code by reducing the number of days allowed to abate nuisance conditions from 15 business days to 10 calendar days. The amendments also reduce the height of grass and weeds constituting a violation from 12 inches to 7 inches. This change will assist in giving notice of conditions before neglected growth becomes excessive. An additional change regarding the charges for abatement will render them enforceable until paid instead of the current five-year duration. These amendments are consistent with state statutes.

Submitted by:



Harlan Hill,
Director, Building Development Services

Approved by:



Jason Gage,
City Manager

Emer. _____
P. Hrngs. _____
Pgs. 10
Filed: 04-16-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-100

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to execute a Preliminary
2 Funding Agreement between the City of Springfield, Missouri, and
3 RW Development, LLC; and amending the budget of the
4 Department of Planning and Development for Fiscal Year 2018-
5 2019, in the amount of \$100,000, for the purpose of funding the
6 preparation and review of certain documents related to utilizing
7 public funding mechanisms.
8 _____
9

10 WHEREAS, RW Development, LLC, has approached the City requesting
11 consideration of pursuing public funding mechanisms for The Ridge (Ward Farm),
12 generally located at the northwest corner of Campbell Avenue and Weaver Road, to
13 assist with funding public infrastructure improvements; and
14

15 WHEREAS, RW Development, LLC, proposes to develop the property as a
16 mixed-use development; and
17

18 WHEREAS, the City desires to retain certain consultants to assist in evaluating
19 the proposal and to prepare certain documents in connection therewith; and
20

21 WHEREAS, the City does not have a source of funds to finance costs to retain
22 such consultants, and RW Development, LLC, has agreed to deposit funds with the City
23 for that purpose; and
24

25 WHEREAS, the City and RW Development, LLC, desire to enter into a
26 Preliminary Funding Agreement to establish the terms of such deposit of funds; and
27

28 WHEREAS, an amendment to the budget for Fiscal Year 2018-2019 has been
29 approved and recommended by the City Manager in connection with said Preliminary
30 Funding Agreement.
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34
35 Section 1 – The City Manager, or his designee, is hereby authorized to execute a
36 Preliminary Funding Agreement with RW Development, LLC, said agreement to be
37 substantially in the same form and content as that document attached hereto and
38 incorporated herein by reference as “Exhibit A.”
39

40 Section 2 – The City Manager, City Clerk, and other appropriate officers of the
41 City are hereby authorized and directed to execute, attest, acknowledge, and deliver for
42 and on behalf of, and as the act and deed of the City, the Preliminary Funding
43 Agreement and such other documents, certificates, and instruments as may be
44 necessary or desirable to carry out and comply with the intent of this Ordinance.
45

46 Section 3 – The City Manager shall be, and hereby is, authorized and directed to
47 execute all documents and take such actions as he may deem necessary or advisable
48 in order to carry out and perform the purposes of this Ordinance, and to carry out,
49 comply with, and perform the duties of the City with respect to the Preliminary Funding
50 Agreement, to make alterations, changes, or additions thereto, and any other
51 agreements, statements, instruments, and other documents herein approved,
52 authorized, and confirmed which he may approve.
53

54 Section 4 – The budget for Fiscal Year 2018-2019 is hereby amended in the
55 accounts and in the amounts as shown on Budget Adjustment No. 0031, a copy of
56 which is attached hereto and incorporated herein by reference as “Exhibit B.”
57

58 Section 5 – City Council hereby finds that the budget adjustment made above
59 has been recommended by the City Manager.
60

61 Section 6 – The City Manager is directed to cause the appropriate accounting
62 entries to be made in the books and records of the City.
63

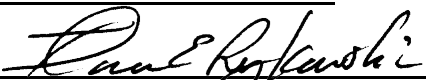
64 Section 7 – This Ordinance shall be in full force and effect from and after
65 passage.
66

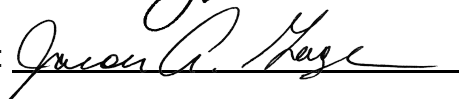
67 Passed at meeting: _____
68

69
70 _____
71 Mayor

72 Attest: _____, City Clerk
73

74 Filed as Ordinance: _____
75

76 Approved as to form: , Assistant City Attorney
77

78 Approved for Council Action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-100

FILED: 04-16-19

ORIGINATING DEPARTMENT: Planning and Development Department

PURPOSE: Authorizing the City Manager, or his designee, to execute a Preliminary Funding Agreement between the City of Springfield, Missouri, and RW Development, LLC; and amending the budget for Fiscal Year 2018-2019, in the amount of \$100,000; for the purpose of funding the preparation and review of certain documents related to utilizing public funding mechanisms.

BACKGROUND INFORMATION: Tax Increment Financing ("TIF") provides for the redirection of the incremental increase in sales and property tax revenue resulting from a redevelopment project to be used for approved project-related costs, infrastructure and capital improvements. TIF is based on the premise that there will be an increase in the value of real property, new jobs and other economic activity within the redevelopment area as redevelopment occurs. As the property is improved, the assessed value of real property in the redevelopment area increases above the base level. By applying property taxes to the increase in the assessed value of the property over the base level, a tax increment is produced. These tax increments, also referred to as "payments in lieu of taxes" or PILOTS, are transferred to a special allocation fund that is administered by the City. The City and County also transfer 50% of all incremental sales tax revenues to this fund. The money collected in the special allocation fund is then used to pay directly for the redevelopment project costs or to retire bonds or other obligations issued to pay such costs. City Economic Development Policy recommends the use of CID to accelerate the repayment of TIF-reimbursable expenses. RW Development, LLC, also intends to seek establishment of a Transportation Development District ("TDD") as part of the development.

REMARKS: The owners/developers of The Ridge (Ward Farm) have requested that the City of Springfield consider preparing a TIF Plan and review the proposed use of other incentive tools (Community Improvement District "CID," TDD) to assist with funding for public infrastructure required by the development. This ordinance would approve a preliminary funding agreement whereby the developers would pay for the studies and redevelopment plan associated with a TIF application, but the consultants and legal counsel would be working on the City's behalf. Because the City has an ongoing obligation on most incentives it establishes, but particularly on TIFs, the City needs to assure that the Plan and accompanying documents adequately address City and community concerns. The best way to do this is for the consultants to report to the City. The preliminary funding agreement establishes a mechanism for the developers to deposit funds with the City for paying legal fees and hiring consultants for this project, and for replenishing that fund as fees are paid.

Approval of this funding agreement does not approve establishment of a TIF or any other incentive. The funding agreement expressly provides in paragraph 8 that the

consideration of the TIF is subject to legislative discretion. Accordingly, once the TIF Plan is prepared, it will go through the normal process of public hearings and consideration at the TIF Commission and City Council.

The preliminary funding agreement requires that the developers deposit \$15,000 with the City and that the account be replenished as needed to retain a \$15,000 balance. The budget adjustment for \$100,000 is intended to allow for the periodic replenishment of the preliminary funding agreement account balance.

Submitted by:



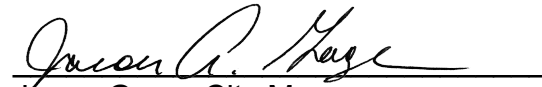
Sarah Kerner, Economic Development Director

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

Exhibit A

PRELIMINARY FUNDING AGREEMENT

This **PRELIMINARY FUNDING AGREEMENT** (“**Agreement**”) is entered into this ____ day of ____, 20__, among the **CITY OF SPRINGFIELD, MISSOURI** (the “**City**”), and RW Development, LLC, a Missouri Limited Liability Company (the “**Developer**”) (collectively the “**Parties**”).

RECITALS

WHEREAS, the City is a constitutional charter city incorporated and exercising governmental functions and powers pursuant to the Constitution and the Revised Statutes of the State of Missouri; and

WHEREAS, the Developer is the owner or has the right to purchase approximately 100 acres of real property generally located the northwest corner of Campbell Avenue and Weaver Road, and proposes to develop this property for a mixed-use development (the “**Development**”); and

WHEREAS, the Developer is a Missouri Limited Liability Company and is authorized to conduct business in the State of Missouri; and

WHEREAS, Developer is working with the City to develop a plan to provide for the funding of the design and construction of transportation and related infrastructure improvements to serve the Development, in accordance with Missouri law and applicable City Code requirements; and

WHEREAS, Developer proposes to use one or more sources of public funding mechanisms to pay for the public improvements that will serve the Development, such as tax increment financing, a community improvement district, transportation development district and possibly other economic development tools; and

WHEREAS, in order for the City to fully consider and evaluate all of Developer’s proposals to fund the public improvements to serve the Development, the City will need to engage consultants to research and analyze applicable law regarding economic incentive tools and financing options and work with Developer and City staff to arrange for the most appropriate mix of funding sources for the public improvements; and

WHEREAS, the City does not have a source of funds to pay for costs incurred for additional legal, financial and other consultants or for direct out-of-pocket expenses and other costs resulting from services to research, analyze and plan for the most appropriate mix of public funding sources; and

WHEREAS, it is the City’s policy that landowners and developers who desire assistance from the City in a public-private partnership or through the use of economic incentive tools must demonstrate the financial ability to allow for the full and fair evaluation by the City of all development proposals and requests for economic incentives from the City; and

WHEREAS, Developer seeks to deposit funds with the City to be used by the City to pay for administrative expenses and actual consultant expenses necessary to research, analyze, plan for and develop the incentive tools and financing options for the public improvements that will serve the Development.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Services to be Performed by the City.** The City shall:

A. Consult with Developer on the most appropriate mix of economic incentive tools and financing options and arrange for the research, analysis and development of public funding sources for the public improvements to serve the Development in accordance with applicable law;

B. Provide necessary staff, legal, financial, and other assistance to plan for the most appropriate mix of economic incentive tools and financing options;

C. Provide the necessary staff and legal, financial and planning assistance to prepare and negotiate a development agreement between Developer and the City to implement the selected mix of economic incentive tools and financing options to fund the public improvements that will serve the Development;

D. Engage appropriate outside consultants and attorneys to carry out the tasks described above.

2. **Initial Deposit.** The City acknowledges receipt of Fifteen Thousand Dollars (\$15,000.00) (the “**Deposit**”) from the Developer upon the execution of this Agreement. The City shall disburse the Deposit as set forth in **Section 4** and shall bill the Developer pursuant to **Section 3** to re-establish the Deposit so that there is always a minimum cash balance of Fifteen Thousand Dollars (\$15,000.00) available, from which additional disbursements may be made as required.

3. **Additional Funding.**

A. The City shall submit an itemized statement for actual expenses incurred to perform its obligations hereunder or for any additional obligations or expenditures incurred by the City in accordance with this Agreement. Such statements shall be submitted on a regular periodic basis, but no more often than monthly. Developer shall pay the City the amounts set forth on such statements (the “**Additional Funds**”) within thirty (30) days of receipt thereof. If such funds are not so received, the unpaid balance shall be subject to a penalty of two percent (2%) per month until paid, but in no event shall such penalty exceed twenty-four percent (24%) per annum, and City shall be relieved of any and all obligations hereunder until paid or may terminate this Agreement pursuant to **Section 5**. Developer shall supply the Additional Funds in a timely manner so that City activities may continue without interruption.

B. Developer shall reimburse the City for its administrative expenses and actual out-of-pocket expenses necessary to perform the City’s obligations hereunder, using Gilmore & Bell, P.C., for special legal counsel, and other consultants as approved according to this paragraph. The City shall advise Developer in writing if it intends to utilize the services of any other consultant to perform its obligations under the terms of this Agreement. Such written notice shall include the name of the consultant, the service to be performed and an estimate of the cost expected. If Developer, in writing, within five (5) business days from receipt of the City’s notice, objects to either the consultant named or the service to be performed, the City and Developer shall negotiate in good faith to resolve Developer’s objections. If the Parties cannot agree on the consultant to be used or the service to be performed, the

City shall have no obligation to perform that service under the terms of this Agreement and Developer shall have no obligation to pay for such service under the terms of this Agreement.

C. The parties agree that the funds advanced to the City under this Agreement shall be reimbursed to Developer, to the extent allowed by law, through any economic incentive tools that may result from the discussions and approved by the City Council.

4. **Disbursement of Funds.** The City shall disburse the Deposit and Additional Funds for reimbursement of costs to the City on or before the thirtieth (30th) day of each month, and for consulting fees and the payment of all out-of-pocket expenses incurred by the City in connection with the performance of its obligations under this Agreement as payment for such expenses become due. Upon reasonable notice, the City shall make its records available for inspection by the Property Owners and the Developer with respect to such disbursements.

5. **Termination.**

A. In the event Developer fails to perform any of its obligations herein, and if Developer fails to cure the default within ten (10) days after written notice of the default is sent by the City to Developer, then the City may terminate this Agreement at its sole discretion. Termination by the City shall also terminate any duties and obligations of the City with respect to this Agreement.

B. Developer may abandon its plans for the Development and Developer may terminate this agreement upon the delivery of written notice to the City.

C. Upon termination of this Agreement, in the event the Deposit and Additional Funds are insufficient to reimburse the City for the outstanding expenses of the City payable hereunder, the Property Owners and the Developer shall reimburse the City as set forth in **Section 3**. After termination of this Agreement, the City shall retain the Deposit and Additional Funds, if any, necessary to reimburse the City for all expenses incurred under this Agreement to the date of termination. After all amounts have been paid to consultants by the City, the remainder of such funds shall be delivered to Developer.

D. The Parties acknowledge that a subsequent funding arrangement among the City and Developer may be entered into, whereby the City's expenses going forward will be reimbursed pursuant to that arrangement. In the event that such other agreement is executed, this Agreement may terminate in accordance with that subsequent agreement.

6. **Notice.** Any notice, approval, request or consent required by or asked to be given under this Agreement shall be deemed to be given if in writing and mailed by United States mail, postage prepaid, or delivered by hand, and addressed as follows:

To the City:

City of Springfield
840 North Boonville
Springfield, Missouri 65802
Attn: City Manager

With a copy to:

David Martin
Gilmore & Bell, P.C., Suite 1100
2405 Grand Blvd.
Kansas City, Missouri 64108

To Developer:

Trip Rhodes and Titus Williams
RW Development, LLC
1414 E. Primrose, Suite 100
Springfield, MO 65804

With a copy to:

Rob Preston
Spencer Fane
1 N. Brentwood Blvd.
St. Louis, MO 63105

Each party may specify that notice be addressed to any other person or address by giving to the other party ten (10) days prior written notice thereof.

7. **City Requirements and Prior Approval.** Developer agrees to comply with all applicable laws and City ordinances, including, but not limited to, the City's zoning ordinances, subdivision regulations and all planning or infrastructure requirements related to the development of any property. Developer agrees that execution of this Agreement in no way constitutes a waiver of any requirements of applicable City ordinances or policies with which Developer must comply and does not in any way constitute prior approval of any future proposal for development. Developer acknowledges that the City may not lawfully contract away its police powers and that approval of any zoning, subdivision and similar development applications cannot be contractually guaranteed. This Agreement does not alter or diminish the City's ability to exercise its legislative discretion to consider any application in accordance with all applicable laws with respect to the development of any property.

[Remainder of this Page Intentionally Left Blank]

The parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Jason Gage, City Manager

(SEAL)

ATTEST:

City Clerk

[DEVELOPER]

By: _____

Name: _____

Title: _____

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit B

Budget Adjustment
0031

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22330	17	60210	414100	000000	00000	100,000	RW Development, LLC
Net Revenue Adjustment						100,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22330	17	60210	504580	000000	00000	100,000	RW Development, LLC
Net Expenditure Adjustment						100,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: This budget adjustment is for a preliminary funding agreement with RW Development, LLC for the City to consider a Tax Increment Financing Plan (TIF).

Requested By:

Mary Lill Smith 4/17/19
Department Head Date

Approved By:

DL Hill 4/17/19
Director of Finance or Acting Director Date

Authorization:

Council Bill No. 2019-100
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 04-16-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-101

GENERAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the termination of the Downtown Springfield Special Business District
2 and authorizing staff to complete the necessary steps to finalize
3 termination of said District. (Staff and Planning and Zoning
4 Commission recommend approval.)
5 _____
6

7 WHEREAS, the City of Springfield established the Downtown Springfield Special
8 Business District ("SBD") with the passage of General Ordinance 3218 in 1981 to
9 provide free public parking for the Downtown Area; and
10

11 WHEREAS, in 1999 the City approved the establishment of the Downtown
12 Springfield Community Improvement District ("CID"), which was empowered by state
13 law with greater flexibility and authority to fulfill the goals of the Special District; and
14

15 WHEREAS, the Downtown Springfield CID assumed the duties of the Downtown
16 Springfield SBD, and has continued to do so; and
17

18 WHEREAS, the Downtown Springfield SBD has ceased to operate since that
19 time, has collected no taxes, holds no assets, and does not have an active
20 management board; and
21

22 WHEREAS, state law has been established providing a procedure for the
23 termination of the SBD.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 – The Downtown Springfield SBD, having ceased to function and its
29 duties being assumed by the Downtown Springfield CID, should be dissolved.
30

31 Section 2 – The City Manager, or his designee, shall proceed to take such steps
32 necessary to comply with state law to terminate the Downtown Springfield SBD,
33 including; initiating a petition to be filed with the Circuit Clerk; obtaining orders from the

34 court to hold an election; assisting the County Clerk with the election; engaging counsel
35 as needed for any court actions; and complying with any further conditions required by
36 the statute.

37
38 Section 3 – This Ordinance shall be in full force and effect from and after
39 passage.

40
41 Passed at meeting: _____

42
43 _____
44 Mayor

45
46 Attest: _____, City Clerk

47
48 Filed as Ordinance: _____

49
50 Approved as to form: *Paul Rykowski*, Assistant City Attorney

51
52
53 Approved for Council action: *Jason A. Hage*, City Manager
54

EXPLANATION TO COUNCIL BILL 2019-101

FILED 04-16-19

ORIGINATING DEPARTMENT: Planning and Development Department

PURPOSE: Authorizing the termination of the Downtown Springfield Special Business District and authorizing staff to complete the necessary steps to finalize termination of said District. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION: In 1981, the City Council established the Downtown Springfield Special Business District ("SBD") by General Ordinance 3218, which encompasses a portion of the downtown area as shown on the attached map. See "Exhibit A." The primary purpose of the SBD was to operate and maintain free public parking lots in downtown Springfield. The SBD had the power to assess taxes to fund these operations. The Downtown Springfield Community Improvement District ("CID") assumed responsibility for the parking lots after it was established in 1999. While the SBD hasn't collected taxes or been operational since 2000, it remains a corporate entity.

Terminating the SBD will remove an outdated and unused taxing entity from the books, as well as provide more flexibility for use of the City parking lots downtown. As long as the SBD remains in place, the City is obligated to maintain a number of free public parking spaces equal to the number of spaces available when the SBD tax was collected. As downtown redevelopment has occurred and continues to occur, City staff believes it would be beneficial to have maximum flexibility for these parking lots. At some point in the future, City Council could determine that the best use of the City parking lots would be converting them to paid parking lots, offering overnight parking passes, or selling the property for development. There are no immediate plans to convert any lots to paid parking or any other use at this time.

To terminate the SBD, 8% of registered voters within the District must sign a Petition seeking termination and file it against the governing body of the SBD. In this case, the governing body is the City Council of Springfield. In addition, the Petition must account for any assets, give notice to interested parties, and apply to the Circuit Court for a hearing and order to terminate the district. If the Court approves the termination, City staff will work with the County Clerk to hold a required termination vote within the District.

City staff has received the requisite number of signatures from registered voters residing within the SBD. As the District no longer serves a purpose and is essentially defunct, staff requests permission from City Council to hire outside counsel to initiate the suit for termination on behalf of the Petitioners and take any further steps needed to repeal the sections of the City Code which established the District.

REMARKS: The original state law that authorized the creation of an SBD did not contain

a provision allowing for termination of an SBD. Springfield sought an amendment to this law in 2006 to terminate the Downtown Springfield SBD. The state law amendment was approved, but the City didn't pursue termination immediately, to avoid confusion with the renewal of the Downtown CID, which was also taking place in 2006. As Springfield's population grew, it outgrew the population bracket contained in the legislation allowed Springfield to terminate its SBD. During the 2017 session, another piece of legislation was passed which clarified the existing law and cleared the way for termination of the SBD after following a prescribed process.

Submitted by:



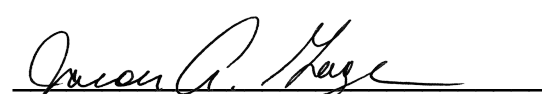
Sarah Kerner, Economic Development Director

Recommended by:



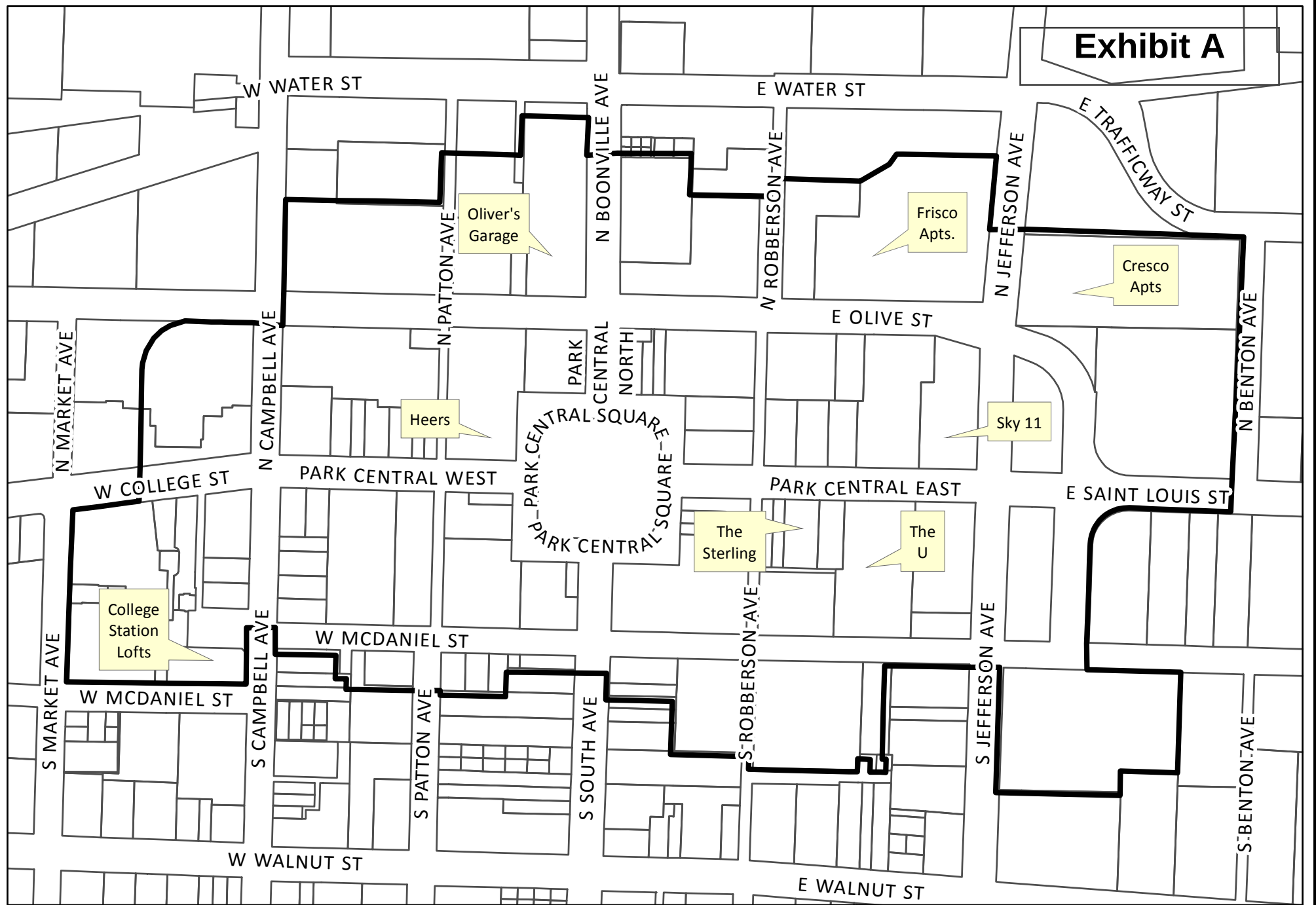
Mary Lilly Smith, Planning Director

Approved by:



Jason Gage, City Manager

Exhibit A



One-rdg. _____
P. Hmgs. _____
Pgs. 6
Filed 04-30-19

Sponsored by Fisk

First Reading _____
AMENDED
COUNCIL BILL 2019-102

Second Reading _____
GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 2, Section 2-92 of the Springfield City Code, known as the 'Salary
2 Ordinance,' for the purpose of adding seven new job titles and deleting
3 three job titles from the Professional, Administrative and Technical Salary
4 Schedule.
5 _____
6

7 WHEREAS, the Department of Human Resources proposes adding several job
8 titles to address the expanded scope of responsibilities of existing positions within the
9 Police Department; and
10

11 WHEREAS, as a result, one new job title, Police Services Representative II,
12 PAT-6 will be established to develop a career ladder; and
13

14 WHEREAS, the reclassification of three existing positions will result in the
15 establishment of three new job titles, Police Services Supervisor, PAT-7; Investigative
16 Services Supervisor, PAT-7; and Police Services Administrator, PAT-10, to address
17 higher-level responsibilities assumed over time due to restructuring workflow and
18 increasingly complex compliance requirements and technology advancements; and
19

20 WHEREAS, the reclassification of one existing position will result in the
21 establishment of one new job title, the Planning Manager, PAT-12 position, to address
22 the transfer of responsibilities to the Planning and Development Department; and
23

24 WHEREAS, one new job title will be established, Assistant Equine Coordinator,
25 PAT-6 position, for the Valley Water Mill Equestrian Center in the Parks Department to
26 meet the increasing patron demands for events, activities, education, lessons, and
27 facility and animal care needs at the equine center; and
28

29 WHEREAS, one new job title will be established, the Environmental Specialist
30 PAT-9 position, as a result of a job study identifying increased responsibility and
31 decision-making authority regarding compliance for landfill air and ground water
32 monitoring and asbestos inspections; and
33

WHEREAS, the expanded scope of duties and responsibilities have been reviewed by the Human Resources Department and said department has, through its evaluation of all positions, determined that the respective recommended salary grade assignments for these job titles are appropriate and consistent with the level of responsibility associated with these recommended positions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

NOTE: Language to be added is underlined. Language to be removed is ~~stricken~~.

Section 1 – Chapter 2, Section 2-92 of the Springfield City Code, known as the ‘Salary Ordinance,’ relating to salary rates and pay grades for various job titles within the City service as contained in the Professional, Administrative and Technical (“PAT”) Schedule is hereby amended by adding the following seven job titles and deleting the following three job titles.

Proposed Job Title and Salary Grade
(Titles to be Added)

Classification	Grade
<u>Police Services Representative II</u>	<u>PAT-6</u>
<u>Police Services Supervisor</u>	<u>PAT-7</u>
<u>Investigative Services Supervisor</u>	<u>PAT-7</u>
<u>Police Services Administrator</u>	<u>PAT-10</u>
<u>Planning Manager</u>	<u>PAT-12</u>
<u>Assistant Equine Coordinator</u>	<u>PAT-6</u>
<u>Environmental Specialist</u>	<u>PAT-9</u>

Proposed Job Titles and Salary Grade
(Titles to be Deleted)

Classification	Grade
Police Services Shift Leader	PAT-6
Investigative Services Supervisor	PAT-6
Police Services Administrator	PAT-9

Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

80
81
82
83
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86
87
88
89
90
91

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: Jason R. Hays, City Manager

**SUPPLEMENTAL EXPLANATION TO AMENDED COUNCIL BILL
2019-102**

ORIGINATING DEPARTMENT: Law

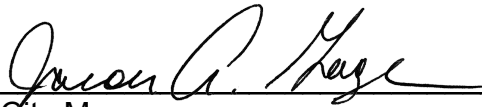
At the April 22, 2019, Council meeting, Council Bill 2019-102 was amended by vote of City Council to correct a scrivener's error. The number '10' on line 72 was amended to the number '9' to reflect the correct classification grade of 'PAT-9' for the deleted Police Services Administrator job title.

Submitted by:



City Attorney

Approved by:



City Manager

EXPLANATION TO COUNCIL BILL 2019-102

FILED: 04-16-19

ORIGINATING DEPARTMENT: Human Resources

PURPOSE: Amending Chapter 2, Section 2-92 of the Springfield City Code, known as the 'Salary Ordinance,' for the purpose of adding seven new job titles and deleting three job titles from the Professional, Administrative and Technical Salary Schedule.

BACKGROUND INFORMATION: This Council bill addresses several human resources related matters for several departments, specifically Police, Planning and Development, Parks and Environmental Services.

Several new job titles are proposed for the Police Department including Police Services Representative II (PAT-6), Police Services Supervisor (PAT-7), Investigative Services Supervisor (PAT-7), and Police Services Administrator (PAT-10). Adding the Police Services Representative II position allows for a career ladder for the Police Services Representative position. This career ladder will not add any new staff but will establish a career progression to address critical needs such as training new staff and ensuring data integrity within critical law enforcement records management systems. The other recommended Police job titles reflect reclassifications for existing positions based upon having assumed higher-level responsibilities over time due to the restructuring of workflow and increasingly complex compliance requirements and technology advancements.

The Planning Manager (PAT-12) job title is recommended and is also a reclassification based upon responsibilities that have shifted from the Building Development Services Department to the Planning and Development Department.

The Assistant Equine Coordinator (PAT-6) job title is proposed for the Valley Water Mill Equestrian Center in the Parks Department. The need for this job classification has been evaluated over the past few years and will fulfill a critical role as additional equine program offerings have resulted in increased demands on the center.

The Environmental Specialist (PAT-9) job title is recommended based on additional responsibilities that have evolved in several areas for the Environmental Services Department. This job title addresses the increasingly complex EPA regulations for air and groundwater monitoring at the City landfill, as well as increased responsibilities associated with asbestos compliance inspections and code enforcement. The establishment of this position will result in a reclassification for two existing employees and will allow future employees the opportunity for career progression as they develop specialized expertise and assume higher-level job responsibilities.

REMARKS: Human Resources has completed job evaluations for these new job titles and concluded that based on the scope of responsibility required of these positions, the

recommended salary grade assignments, as outlined in the attached bill, are consistent with the level of responsibility.

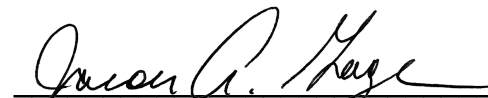
BUDGET NOTE: Funds to support all of these new job titles, except for Police Services Administrator, Police Services Supervisor, and Investigative Services Supervisor, were projected and approved in the Fiscal Year 2018-2019 Budget. The budget impact of these changes included in the Fiscal Year 2018-2019 Budget totals approximately \$16,800.00 annually. The three Police job titles noted at the beginning of this section that are not addressed in the Fiscal Year 2018-2019 Budget, reflect an annual financial impact of approximately \$80,000. However, no budget adjustment for the Fiscal Year 2018-2019 Budget is needed as departmental funding has been reallocated based upon the priority of this need.

Submitted/Recommended by:

Approved by:



Darla Morrison
Director of Human Resources



Jason Gage,
City Manager

One-rdg. _____
P. Hmgs. _____
Pgs. 10
Filed: 04-16-19

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-103

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, Administration, Article VI, Finances,
2 Division 4, Police Officers' and Fire Fighters' Retirement System, by
3 amending Section 2-455, 'Amount of employee contributions; deductions
4 from salary,' by revising provisions regarding Police participants'
5 Additional Funding Contribution and Additional Three-Tenths Percent
6 Multiplier and by amending Section 2-456, 'Return of participant
7 contributions upon leaving service or death' by revising provisions
8 regarding the return of contributions to certain Police participants.
9 _____

10
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
12 MISSOURI, as follows, that:

13
14 NOTE: Language being added is underlined and language being deleted is
15 ~~stricken~~.

16
17 Section 1 – The Springfield City Code, Chapter 2, Administration, Article VI,
18 Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, Section 2-
19 455, 'Amount of employee contributions; deductions from salary,' is hereby amended as
20 follows:
21

22 Sec. 2-455. - Amount of employee contributions; deduction from salary.

- 23
24 (a) From December 16, 1991, until July 11, 1992, there shall be contributed to the
25 plan from the salary of every participant, an amount equal to seven and one-half
26 percent of such salary.
27
28 (b) From July 11, 1992, until July 10, 1993, there shall be contributed to the plan
29 from the salary of every participant, an amount equal to eight percent of such
30 salary.
31
32 (c) Commencing July 11, 1993, and continuing thereafter there shall be contributed
33 to the plan and from the salary of every participant except those described in

subsections (d) and (e) below, an amount equal to eight and one-half percent of such salary.

- (d) Commencing July 10, 2016, and continuing thereafter there shall be contributed to the plan and from the salary of every participant who commenced employment in the fire department prior to June 1, 2006, an amount equal to 15.13 percent of such salary. This contribution shall be deemed to include the additional funding contribution (hereinafter "AFC") described in subsection (fe) of this section, and no participant contributing to the plan in the amount described in this subsection shall be required to make an additional contribution as described in subsection (fe) below. This contribution rate shall not be subject to recalculation, regardless of any actuarial calculation of the AFC as described in subsection (fe) below.

- (e) Commencing July 1, 2019, and continuing thereafter there shall be contributed to the plan and from the salary of every participant who commenced employment in the police department prior to June 1, 2006, an amount equal to 20.0 percent of such salary. This contribution shall be deemed to include the additional funding contribution (hereinafter "AFC") described in subsection (f) of this section, and no participant contributing to the plan in the amount described in this subsection shall be required to make an additional contribution as described in subsection (f) below. This contribution rate shall not be subject to recalculation, regardless of any actuarial calculation of the AFC as described in subsection (f) below.

- (fe) *Additional funding contribution.*

- (1) For participants who are current employees of the fire department who commenced employment in the fire department prior to June 1, 2006, in addition to the contribution referenced in subsection (c) above, commencing May 21, 2000, and continuing thereafter until July 10, 2016 there shall be contributed to the plan and from the salary of every participant an additional amount, also calculated as a percentage of such participant's salary, called the additional funding contribution ("AFC"), for purposes of this section 2-455. The AFC is intended to cover the additional cost to the plan of the additional 0.3 percent multiplier, described in subsection 2-465(ea)(3)(5). Until July 10, 2016, the AFC will be calculated by the actuaries for the board of trustees of the retirement fund over intervals of three budget years each so that the total amount derived from the AFC for all eligible employees shall be equal to the cost of the additional 0.3 percent multiplier described in subsection 2-465(ea)(3)(5) for all eligible participants. This AFC will be established at the beginning of each such three-year city budget year interval following the initial interval set out in subsection (fe)(3) below based upon the actuarial cost to the plan of the additional 0.3 percent multiplier described in subsection 2-465(a)(3)(5). Notwithstanding anything herein to the contrary, effective July 10, 2016, an AFC for the participants who commenced employment in the fire department prior to June 1, 2006, shall

not be calculated, and is already included in their contribution under subsection (d) above.

- (2) For participants who are current employees of the police department who commenced employment in the police department prior to June 1, 2006, in addition to the contribution referenced in subsection (c) above, commencing May 21, 2000, and continuing thereafter until July 1, 2019, there shall be contributed to the plan and from the salary of every participant, an additional amount, also calculated as a percentage of such participant's salary, called the additional funding contribution (hereinafter "AFC"), for purposes of this section 2-455. The AFC is intended to cover the additional cost to the plan of the additional 0.3 percent multiplier, described in subsection 2-465(ea)(3)(5). Until July 1, 2019, the AFC will be calculated by the actuaries for the board of trustees of the retirement fund over intervals of three budget years each so that the total amount derived from the AFC for all eligible employees shall be equal to the cost of the additional 0.3 percent multiplier described in section 2-465(ea)(3)(5) for all eligible participants. This AFC will be established at the beginning of each such three-year city budget year interval following the initial interval set out in subsection (fe)(3) below based upon the actuarial cost to the plan of the additional 0.3 percent multiplier described in subsection 2-465(a)(3)(5). Notwithstanding anything herein to the contrary, effective July 1, 2019, an AFC for participants who commenced employment in the police department prior to June 1, 2006, shall not be calculated, and is already included in their contribution under subsection (e) above.
- (3) From May 21, 2000, through June 30, 2005, the AFC shall be 2.14 percent.
- (4) Effective July 1, 2005, and at intervals of three city budget years thereafter, upon the recommendation of the actuaries for the board and the approval of the city manager, the AFC may be administratively changed to cover any actuarially calculated increases or decreases in the total cost of the additional three-tenths percent (0.3%) multiplier benefit not covered by the latest AFC rate and amounts.
- (5) Effective July 1, 2013, and thereafter, the AFC shall be calculated and adjusted as may be required in accordance with subsection (fe) of this section at intervals of three city budget years.
- (6) From July 1, 2010, through June 30, 2013, the AFC shall be 4.85 percent.
- (7) Effective July 1, 2010, the City made a one-time lump sum contribution of \$4,750,000.00 to partially fund the additional three-tenths percent (0.3%) multiplier.

- (8) Effective July 1, 2010, the director of finance and the board of trustees shall cause the actuarial firm retained by the city and/or the board of trustees to establish and maintain a separate bookkeeping account, (the "AFC bookkeeping account") to determine and keep track of the value of all of the AFC amounts contributed by employee plan participants historically and in the future, all historical and future income and losses attributed to such AFC amounts, and the \$4,750,000.00 one-time lump sum contribution of the city made pursuant to Resolution No. 9786. In determining the beginning balance of the AFC bookkeeping account, the total value of the AFC amounts contributed by employee plan participants and income and losses up to and including June 30, 2009, is deemed to be \$3,913,630.00. The \$4,750,000.00 one-time lump sum contribution of the city made pursuant Resolution No. 9786, all AFC amounts contributed by employee plan participants on or after July 1, 2009 and all income and losses attributable to the AFC bookkeeping account on or after July 1, 2009, shall be added to the AFC bookkeeping account. The actual contributions and earnings and losses shall not be segregated into an asset fund, but shall be handled, invested and administered as part of the entire retirement fund. In the determination of the amount of the earnings and/or losses attributable to the AFC bookkeeping account, the amount of income, losses, and expenses shall be determined on a pro rata basis taking into account the beginning account balance plus contributions of the AFC bookkeeping account compared to the total beginning account balance and contributions of the entire retirement fund. No expenses, including but not limited to fees charged by the actuarial firm, shall be allocated specifically to the AFC bookkeeping account.
- (9) Effective July 10, 2016, the director of finance and the board of trustees shall cause the actuarial firm retained by the city and/or the board of trustees to establish and maintain two separate AFC bookkeeping accounts, one for police department participants and one for fire department participants. The total assets of the Police AFC bookkeeping account for police department participants as determined by the board of trustee's actuary's findings adopted by the board of trustees at its meeting on February 11, 2016, as of June 30, 2015, shall be \$9,103,686.00. The total assets of the Fire AFC bookkeeping account for fire department participants as determined by the board of trustee's actuary's findings adopted by the board of trustees at its meeting on February 11, 2016, as of June 30, 2015, shall be \$5,668,380.00. All AFC amounts contributed by police department participants after June 30, 2015, and all income and losses attributable to the Police AFC bookkeeping account after June 30, 2015, shall be added to the Police AFC bookkeeping account. All AFC amounts contributed by fire department participants after June 30, 2015, including the 6.63 percent under subsection (f)(10) below and all income and losses attributable to the Fire AFC bookkeeping account after June 30, 2015 shall be added to the Fire AFC bookkeeping account. The city

lump sum contributions described in subsections ~~(fe)~~(154) and ~~(165)~~
below shall also be added to the Fire AFC bookkeeping account.

- (10) Effective July 10, 2016, and continuing thereafter, the AFC shall be 6.63 percent for all fire participants. This amount of 6.63 percent is included in the 15.13 percent contribution for fire department participants under subsection (d) above.

- (11) Effective July 1, 2019, and continuing thereafter, the AFC shall be 11.5 percent for all police participants. This amount of 11.5 percent is included in the 20.0 percent contribution for police department participants under subsection (e) above.

- ~~(124)~~ Except as provided in subsection ~~(fe)~~(176), only funds allocated to the AFC bookkeeping accounts as provided in subsection ~~(fe)~~ shall be available to pay the additional three-tenths percent (0.3%) multiplier, including in the case of fire department participants, the city lump sum contributions described in subsections ~~(fe)~~(154) and ~~(165)~~ below. Except as provided in subsection ~~(fe)~~(176) below, employee plan participants entitled to the additional three-tenths percent (0.3%) multiplier, who are employed on or after June 14, 2010, shall be fully responsible for any and all costs of providing the additional three-tenths percent (0.3%) multiplier for retirees. Except for the city's \$4,750,000.00 contribution and the city lump sum contributions described in subsections ~~(fe)~~(154) and ~~(165)~~ below and the city's responsibility for the fire department participants' AFC under subsection ~~(fe)~~(176) below, neither the city nor the taxpayers shall be liable or responsible in any way for the additional three-tenths percent (0.3%) multiplier unless the city takes an action described in subsection ~~(132)~~ below.

- ~~(132)~~ If the city takes one of the following actions after March 7, 2011, the city will be responsible for the increase in the cost of providing the additional three-tenths percent (0.3%) multiplier caused by such action: (1) the city amends the plan provisions relating to the AFC and/or the additional three-tenths percent (0.3%) multiplier without the consent of a majority of the then current employee plan participants; (2) the city administers the plan provisions relating to the AFC and/or the additional three-tenths percent (0.3%) multiplier in violation of the terms of the plan as amended, effective March 7, 2011, or (3) the city approves actuarial assumptions for determining the AFC and/or the additional three-tenths percent (0.3%) multiplier that are different than the general actuarial assumptions used in analyzing the retirement fund as a whole.

- ~~(143)~~ After the AFC has been determined for the fiscal year beginning July 1, 2013, the employee participants and the city shall meet and confer to discuss the status of the additional three-tenths percent (0.3%) multiplier

and whether or not any prospective changes should be considered and/or made to said benefit. Prior to July 1, 2016, the members shall, if they deem it necessary, propose any amendments to the additional three-tenths percent (0.3%) multiplier to the city for its consideration. The actuarial cost incurred in the examination of alternatives requested by the employees regarding the additional three-tenths percent (0.3%) multiplier at any time shall be treated as a general expense of the retirement fund. The AFC bookkeeping account shall bear only its pro rata share of said expenses.

(154) For the fiscal year beginning July 1, 2017, no later than the end of the first quarter of the fiscal year, the city shall contribute a one-time lump sum of \$265,764.00 to the plan to partially fund the fire participants' accrued liability for the additional three-tenths percent (0.3%) multiplier. This one-time lump sum contribution shall be allocated to the Fire AFC bookkeeping account. Notwithstanding any other provision of this Code to the contrary, the city's lump sum contribution of \$265,764.00 shall remain in the plan for investment and benefit payments and shall not be subject to a return of participant contributions.

(165) Commencing the fiscal year beginning July 1, 2018, and continuing until July 1, 2029, or until the fire participants' accrued liability for the additional three-tenths percent (0.3%) multiplier reaches a 100 percent funding ratio, as determined by the board's actuary, whichever comes first, no later than the end of the first quarter of each fiscal year, the city shall contribute annually a lump sum of \$321,562.00 to the plan to partially fund the fire participants' accrued liability for the additional three-tenths percent (0.3%) multiplier. These lump sum contributions shall be allocated to the Fire AFC bookkeeping account. If the fire participants' accrued liability for the additional three-tenths percent (0.3%) multiplier reaches a 100 percent funding ratio, as determined by the board's actuary, prior to July 1, 2029, the lump sum contribution by the city described in this subsection shall end on the last day of the pay period in the fiscal year in which the board's actuary made the determination. Notwithstanding any other provision of this Code to the contrary, the city's annual contribution of \$321,562.00 shall remain in the plan for investment and benefit payments and shall not be subject to a return of participant contributions.

(176) Effective July 1, 2029, or after the fire participants' accrued liability for the additional three-tenths percent (0.3%) multiplier reaches a 100 percent funding ratio, as determined by the board's actuary, whichever comes first, the fire participants' portion of the AFC Bookkeeping Account shall cease to be calculated separately from other pension liabilities as described in subsections (f)(8) and (9) above. At that time, notwithstanding any provisions in this Code to the contrary, payment of the fire participants' additional three-tenths percent (0.3%) multiplier shall not be limited to only

funds allocated to the Fire AFC bookkeeping account as provided in subsection (f)(124) above, and the city shall assume liability for the additional three-tenths percent (0.3%) multiplier for fire participants. The provisions in subsection (f)(176) apply solely to the Fire AFC and additional three-tenths percent (0.3%) multiplier benefit and are not intended to change or impact the benefits of any other group in the police officers' and fire fighters' retirement system.

(gf) Participants commencing employment on or after June 1, 2006, shall contribute from their salaries the amount set out in subsection (c) above. These participants shall not contribute from their salaries the AFC amount described in the preceding subsection (f).

(hg) Such amounts contributed shall be deducted each pay period from each participant's compensation which is due him and paid into the retirement fund. This shall be done by the director of finance. Every person who is a current participant or who becomes a participant shall be liable for the aforesaid contributions and shall sign an authorization, prepared by the director of finance to deduct such eight and one-half percent and, the AFC percentage for participants who are current employees of the police or fire departments prior to June 1, 2006, and, in consideration of employment by the city, shall be conclusively deemed to undertake and agree to pay the same and to have it deducted from his compensation as provided in this section. The execution of such authorization cards shall be a condition of employment and any employee who fails to do so shall forfeit his right to continued employment by the city. The contributions hereunder shall be, within the meaning of Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, deemed to be in lieu of contributions by the employee, treated as picked up by the city and therefore treated as employer contributions for purposes of federal income tax. An employee shall not have the option of choosing to receive the contributed amount since the city shall pay the amount directly to the fund. For purposes of computing pension benefits and all other salary-related benefits, the full amount of the participant's salary (unreduced by the amount treated as the pick-up) shall continue to be used to compute benefit amounts. No benefit payable under this section shall exceed the limitations under Section 415 of the Internal Revenue Code and such limitations are expressly incorporated herein by reference. These limitations override any other plan provision to the contrary.

Section 2 – The Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, Section 2-456, 'Return of participant contributions upon leaving service or death' is hereby amended as follows:

Sec. 2-456. - Return of participant contributions upon leaving service or death.

- (a) Any participant leaving the service, for any cause other than death or service or disability retirement with pension, shall be paid out of the retirement fund, on demand and without interest, the amount of his contribution to any fund of the city. Payment under such circumstances shall terminate the employee's right to any further payment or pension from the retirement fund, subject to, in the event of reemployment of the participant, the provisions of section 2-461.
- (b) (1) Except as described in subsection (b)(2) below, Pparticipants commencing employment in the police or fire departments prior to June 1, 2006, and leaving the service of the city for a service or disability retirement with pension, after September 30, 1995, shall be paid only the member's actual contribution, without interest, out of the retirement fund. Said actual contribution shall be paid to the participant at such time as the participant begins receiving service or disability pension benefit payments.
- (2) Participants commencing employment in the police department prior to June 1, 2006, and leaving the service of the city for a service or disability retirement with pension, after July 1, 2019, shall be paid out of the retirement fund, without interest:
- a. For contributions made prior to July 1, 2019, the member's actual contribution; and
- b. For contributions made on or after July 1, 2019, the member's actual contribution, less 2.6 percent of each annual contribution made at the 20.0 percent contribution rate. Each annual contribution shall be calculated from July 1 to June 30 for all contributions made July 1, 2019, and thereafter.
- Said contribution shall be paid to the participant at such time as the participant begins receiving service or disability pension benefit payments.
- (32) Participants commencing employment in the police or fire departments on or after June 1, 2006, and leaving the service of the city for a service or disability retirement with pension shall receive no return or refund of any member contribution amount paid into the retirement fund.
- (c) Should a participant die either before or after he or she shall have retired, and at the time of his or her death there shall be no person entitled to draw any survivor's benefits, and, further, should the participant not have drawn out of the pension plan at the time of his or her death through pension payments, disability payments or other payments from the plan at least as much as the contributions made by the participant to the pension plan from his or her wages, so much which is less than the participant's contribution, without interest, as shall not have been drawn out shall be payable to the estate of the deceased participant.

Section 3 – Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses, or phrases be declared invalid.

Section 4 – Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or cause of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5 – This ordinance shall be in full force and effect from and after passage, except the provisions contained herein which have different effective date shall be effective on and after such date.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: Jason A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019-103

FILED: 04-16-19

ORIGINATING DEPARTMENT: Human Resources

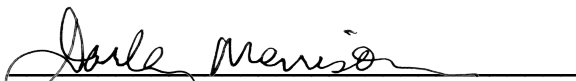
PURPOSE: Amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, by amending Section 2-455, 'Amount of employee contributions; deductions from salary,' by revising provisions regarding Police participants' Additional Funding Contribution and Additional Three-Tenths Percent Multiplier and by amending Section 2-456, 'Return of participant contributions upon leaving service or death' by revising provisions regarding the return of contributions to certain Police participants.

BACKGROUND INFORMATION: This Council bill contains proposed amendments to the Springfield City Code that amend Chapter 2, Administration, Article VI, Finances, Division 4, Police Officers' and Fire Fighters' Retirement System, Section 2-455, Amount of employee contributions; deductions from salary. The amendments address revisions specific to the future contributions for current police employees participating in the Police Officers' and Fire Fighters' Retirement System. Based on current plan requirements, eligible police employees contribute an additional amount (AFC) to cover the Additional 0.3 Percent Multiplier, with the set amount established every three years at the beginning of a three-year budget cycle and based on actuarial studies conducted for the Board of Trustees of the retirement fund. The new AFC amount is scheduled for update with the beginning of the Fiscal Year 2020 budget cycle.

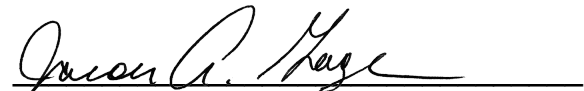
Based on the review of the current actuarial report as well as discussions with eligible police employees, several amendments are proposed based on consensus discussions. If approved, these amendments will institute a cap on AFC amounts at 20.0 percent for police participants and require police participants to forfeit 2.6 percent of each annual contribution made to the plan on or after July 1, 2019. Based upon the actuarial projection, this change is anticipated to be cost neutral. However, future liabilities are assumed by the City.

REMARKS: City staff and the police employees still participating in the Police Officers' and Fire Fighters' Retirement System recommend this Council bill and respectfully request City Council's approval.

Submitted by:


Darla Morrison,
Director of Human Resources

Approved by:


Jason Gage,
City Manager

One-rdg. _____
P. Hmgs. _____
Pgs. 12
Filed: 04-16-19

Schilling, Hosmer,
Sponsored by: Ollis, and Simpson

First Reading _____

Second Reading _____

COUNCIL BILL 2019-104

GENERAL ORDINANCE _____

AN ORDINANCE

1 ADOPTING Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous
2 Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to
3 establish regulations for short-term loan establishments, including a permit
4 requirement and registration fee.
5 _____
6

7 WHEREAS, City Council concludes that the lending and marketing practices of
8 Short-Term Loan Establishments, as defined herein, result in serious financial hardships
9 to some of its citizens, particularly its elderly and low-income citizens, from which they
10 cannot readily extract themselves; can perpetuate poverty; and can increase
11 dependency upon public financial assistance, housing, health care, and social services;
12 and
13

14 WHEREAS, City Council finds that the short-term loan industry targets low-
15 income citizens, who are most likely to suffer financial hardship as a result of the
16 lending practices and small loan products offered by Short-Term Loan Establishments;
17 and
18

19 WHEREAS, City Council recognizes that the State of Missouri regulates Short-
20 Term Loan Establishments in certain regards but further recognizes that those State
21 regulations do not meet the level of protections for consumers common in adjacent
22 states, nor do they adequately protect the City's citizens from certain lending and
23 marketing practices of Short-Term Loan Establishments; and
24

25 WHEREAS, the City has the authority to further regulate Short-Term Loan
26 Establishments in the manner described below; and
27

28 WHEREAS, City Council finds that regulation of Short-Term Loan Establishments
29 is necessary for the promotion and protection of the public health, safety, and welfare of
30 its citizens, and the public good of maintaining a viable tax base to fund essential
31 services.
32

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
34 SPRINGFIELD, MISSOURI, as follows, that:

35
36 NOTE: Language to be added is underlined.

37
38 Section 1 – Chapter 70, ‘Licenses, Permits and Miscellaneous Business
39 Regulations,’ Article XVIII, ‘Short-Term Loan Establishments,’ is hereby adopted as
40 follows:

41
42 Sec. 70-725. – Title.

43
44 This Article shall be known as the ‘Short-Term Lending Code.’

45
46 Sec. 70-726. – Findings and intent of article.

47
48 City Council finds and declares the following:

49
50 (a) That the lending and marketing practices of Short-Term Loan
51 Establishments, as defined herein, results in serious financial
52 hardships to its citizens, particularly its elderly and low-income
53 citizens, from which they cannot readily extract themselves; can
54 perpetuate poverty; and can increase the dependency upon public
55 financial assistance, housing, health care and social services; and

56
57 (b) That the patterns of its proliferation demonstrate that the industry
58 targets low-income citizens most likely to suffer financial hardship
59 as a result of the lending practices and small-loan products offered
60 by Short-Term Loan Establishments; and

61
62 (c) That regulation of Short-Term Loan Establishments is necessary for
63 the promotion and protection of: the public health, safety, and
64 welfare of the City’s citizens; and the public good of maintaining a
65 viable tax base to fund essential services.

66
67 Sec. 70-727. – Definitions.

68
69 The following words, when used in the Short-Term Lending Code, shall
70 have the meanings ascribed to them in this section, except where the context
71 clearly indicates a different meaning:

72
73 Director means the Director of the Department of Finance of the City or a
74 person designated by the Director of the Department of Finance.

75
76 Permittee means any individual, firm, association, corporation,
77 partnership, association or organization holding a permit issued by the Director
78 pursuant to the Short-Term Lending Code to operate a Short-Term Loan

79 Establishment.

80
81 Premises means the bounds of the facility where a Short-Term Loan
82 Establishment conducts business and includes parking lots and other adjacent
83 private property occupied by or used in connection with the business.

84
85 Short-Term Loan Establishment means an establishment which: (a)
86 engages in the business of providing money to customers on a temporary basis,
87 wherein such loans are secured by post-dated check, paycheck, or car title, or
88 (b) is registered as a lender under state or federal law. This classification does
89 not include a state or federally chartered bank, savings and loan association,
90 credit union, or mortgage broker or originator. This classification does not include
91 nonprofit organizations exempt from taxes under Section 501(c)(3) of the Internal
92 Revenue Code of 1986 as amended, nor does it include organizations certified
93 as Community Development Financial Institutions by the U.S. Treasury. Further,
94 this classification does not include the businesses of licensed pawnbrokers or
95 establishments selling consumer goods, including consumables, where the loans
96 or the cashing of checks or money orders are incidental to the main purpose of
97 the business. This classification does include, but is not limited to, check cashing
98 stores, payday loan stores, and car title loan businesses.

99
100 Sec. 70-728. – Applicability of other regulations; conflicting provisions.

- 101
102 (a) In the event of a conflict between the provisions of the Short-Term
103 Lending Code and other ordinances or other parts of the Springfield
104 City Code, the provisions of the Short-Term Lending Code shall
105 control.
- 106
107 (b) The permit and fees required by the Short-Term Lending Code
108 shall be in addition to any other licenses, permits, and fees required
109 by the Springfield City Code.
- 110
111 (c) The permit fees required by the Short-Term Lending Code are
112 intended to defray the costs of investigating and processing the
113 applications for the permits, of any enforcement efforts required by
114 the Short-Term Lending Code, and costs to the public for the
115 economic damage associated with short-term loans.

116
117 Sec. 70-729. – Permit required.

118
119 Within sixty (60) days of the effective date of this Ordinance, it shall be
120 unlawful for any individual, firm, association, corporation, partnership, or
121 organization:

- 122
123 (a) To operate or maintain a Short-Term Loan Establishment in the
124 City unless the owner, operator, or lessee thereof has applied for

125 and obtained a Short-Term Loan Establishment permit from the
126 City; or

- 127
128 (b) To operate such business after such permit has expired or has
129 been revoked by the City.

130
131 A permit shall be required for each location at which a Short-Term Loan
132 Establishment operates in the City; even a location within another business
133 operation. A permit shall be valid for a period of time of one calendar year (or the
134 remaining portion of a calendar year) and must be renewed annually. This permit
135 shall be in addition to any other permit or license required by other local, state, or
136 federal government. No permit shall be issued for any business seeking to
137 operate at a location prohibited by any applicable local, state, or federal law,
138 statute, ordinance, rule or regulation; provided, however, that a business lawfully
139 in existence on the date of adoption of the Short-Term Lending Code is eligible to
140 apply for and receive a permit so long as such business is otherwise compliant
141 with all laws .

142
143 Sec. 70-730. – Permit duration; renewal; fees.

- 144
145 (a) Permits for the operation of a Short-Term Loan Establishment shall
146 be annual permits which expire on December 31 of each year.
147 Each permit shall include the name of the permit holder and
148 address of the premises. Permits in good standing on the date of
149 their expiration shall be eligible for renewal. The application for a
150 permit shall be accompanied by payment in full of the fee stated in
151 this section, by cash, certified or cashier's check, or money order.
152 No application shall be considered complete until the fee is paid.
153 The fee shall not be refunded under any circumstances.

- 154
155 (b) The fee for each permit shall be as follows:

- 156
157 (1) Short-Term Loan Establishment permit: \$5,000 per year, or
158 \$2,500 if less than six (6) months remain in the calendar
159 year on the date a permit is issued.

- 160
161
162 (c) No fees will be effective until approved by a simple majority of the
163 City's electors.

164
165 Sec. 70-731. – Compliance with Code.

166
167 Any violation of the Building Code, Fire Prevention Code, or the Zoning
168 Ordinance shall be a basis to deny, revoke, or not renew a Short-Term Loan
169 Establishment permit.

171 Sec. 70-732. – Authority to prescribe additional regulations.

172
173 The Director shall have the power to promulgate regulations as may be
174 necessary and feasible for carrying out of the intent of the Short-Term Lending
175 Code and the duties of the Director under the Short-Term Lending Code which
176 are not inconsistent with the provisions of such Code.

177
178 Sec. 70-733. – Penalty for violation of Short-Term Lending Code.

179
180 It shall be unlawful for any person to violate any of the provisions of the
181 Short-Term Lending Code. Upon conviction thereof, such person shall be fined
182 not less than \$100 and not more than \$500 or be punished by imprisonment in
183 jail for a period not exceeding 180 days or be punished by both such fine and
184 imprisonment. Each day's violation of, or failure, refusal, or neglect to comply
185 with any provision of the Short-Term Lending Code shall constitute a separate
186 and distinct offense. The penalties provided in this section are in addition to, and
187 are separate from, any administrative actions by the Director to revoke or deny
188 renewal of a permit issued under the Short-Term Lending Code.

189
190
191 Sec.70-734. – Judicial review of orders of Director; stay of enforcement of orders.

192
193 Following the entry of an order by the Director revoking a permit or
194 denying a new or renewal application for a permit, such permittee or applicant
195 may seek judicial review in a manner provided by law. The director shall stay
196 enforcement of such order for a period of time not to exceed 30 days from the
197 Director's decision or, if a petition for judicial review is filed, final disposition of the
198 judicial review.

199
200 Sec. 70-735. – Contents of application.

201
202 Any person desiring to operate a Short-Term Loan Establishment shall
203 make written application for a Short-Term Loan Establishment permit or the
204 renewal thereof to the Director or the Director's designee. The application shall
205 be signed by the applicant or an authorized signator of the applicant and
206 notarized. All applications shall be submitted on a form supplied by the Director
207 and shall set forth at least the following:

208
209 (a) The name, residence address, electronic mail address, home and
210 cellular telephone number, and date and place of birth of the
211 applicant or authorized signator;

212
213 (b) The business name, street address of the business premises,
214 electronic mail address of the business, and telephone number of
215 the business;
216

217 (c) The names, residence addresses, residence and cellular telephone
218 numbers, and dates and places of birth of the following:

219
220 (1) All partners, if the applicant is a partnership;

221
222 (2) All members, if the applicant is a limited liability company;

223
224 (3) All corporate officers and Directors and all shareholders with
225 greater than a 10 percent (10%) interest in the corporation, if
226 the applicant is a corporation; and

227
228 (4) All persons having an ownership interest in any other type of
229 business entity or association.

230
231 (d) Whether or not the applicant and/or authorized signator has been
232 convicted of violating any provision of the Short-Term Lending
233 Code; has been convicted of a felony, misdemeanor, infraction or
234 ordinance violation involving moral turpitude, a breach of a fiduciary
235 obligation, or crimes of physical violence or against property; or has
236 ever had a permit issued under the Short-Term Lending Code
237 revoked and, if so, the reason therefore;

238
239 (e) If the applicant is a Missouri corporation, a certificate of good
240 standing issued by the Missouri secretary of state not more than 30
241 days prior to the submittal of the application or, if a foreign
242 corporation, a certificate of authority to do business issued by the
243 Missouri secretary of state not more than 30 days prior to the
244 submittal of the application; and

245
246 (f) Such further information as the Director may reasonably require.

247
248 Sec. 70-736. – Criteria for issuance of permit.

249
250 The Director shall investigate the application for a Short-Term Loan
251 Establishment permit and shall issue the permit authorized by the Short-Term
252 Lending Code if the Director finds that each of the following conditions is met
253 without exception:

254
255 (a) Applicant is current in the payment of all taxes, fees, and other
256 amounts due to the City on any account, for any purpose;

257
258 (b) The application appears to be truthful, complete, and accurate;

259
260 (c) The application is accompanied by the required fee;
261

(d) The location of the premises meets all applicable spacing, distance and location requirements of applicable zoning ordinances, or the Establishment was lawfully in existence on the date of adoption of the Short-Term Lending Code and was authorized to be in non-conformance;

(e) The premises meet all other applicable health, safety, zoning, property maintenance, building and fire codes, and comply with all ordinances of the City;

(f) Applicant has provided the Director with a designated agent for service who can regularly be contacted in the City during normal business hours;

The Director or a designee is authorized to make inspections of the Short-Term Loan Establishment's premises at reasonable times and hours of any day for purposes of determining whether such Short-Term Loan Establishment fully complies with the provisions of the Short-Term Lending Code.

Sec. 70-737. – Approval or disapproval of application and hearing.

(a) The application for a Short-Term Loan Establishment permit, or the renewal thereof, authorized under the Short-Term Lending Code shall be approved or disapproved within 30 days from the date of the Director's determination that the application is complete, unless the applicant agrees in writing to an extension of that time period. If a permit application is disapproved, the Director shall notify the applicant by registered or certified mail to the business address stated in the applicant's application and shall state the basis for such disapproval.

(b) If within ten (10) days after the Director mails notice to an applicant that the application has been disapproved, the applicant files with the Director a written request for a hearing before the Director on whether the applicant has satisfied the criteria set forth in this Section 70-736 of the Short-Term Lending Code; then, the Director shall within five days of receipt of a timely request, mail a notice of hearing to the applicant, which shall include the date, time and place for the hearing before the Director. The date for the hearing shall not be less than 10 days, nor more than 40 days, following receipt by the Director of the request for a hearing by applicant under this section, unless the aggrieved party requesting the hearing agrees to extent the time for the hearing or except for good cause shown.

307 Sec. 70-738. – Display of permit.

308
309 Every individual, firm, corporation, partnership, organization, or
310 association holding a permit under the Short-Term Lending Code as a Short-
311 Term Loan Establishment shall post its permit in a conspicuous place and
312 manner on the premises.

313
314 Sec. 70-739. – Compliance with the Short-Term Lending Code and other
315 regulations.

316
317 It shall be the duty of a permittee to comply with all the provisions of the
318 Short-Term Lending Code and with all regulations issued by the Director
319 pertaining to Short-Term Loan Establishments. Failure to comply with the Short-
320 Term Lending Code or regulations after written notification of noncompliance has
321 been delivered to the permittee by the City is a permissible basis for revocation
322 or nonrenewal of the permit.

323
324 Sec. 70-740. – Notice on premises required.

325
326 (a) It shall be the affirmative duty of each permittee to post a notice
327 printed in not less than 24-point bold type within 3 feet of each
328 location within the premises at which a customer, borrower, or other
329 member of the general public is invited or directed to stand or sit to
330 either apply for a loan, to answer or ask questions, to review or sign
331 transaction documents, or receive loan proceeds, to make
332 payments or to inquire about, or apply for, the renewal or the rolling
333 over of a loan, which sets out the following information:

334
335 (1) The word “NOTICE” in bold capital letters;

336
337 (2) That this establishment is a short-term loan establishment
338 and is not a federally chartered bank, savings and loan
339 association, or credit union;

340
341 (3) The interest rates and fees charged;

342
343 (4) The annual percentage rate equivalent of the aggregate of
344 those interest rates and fees charged per \$100.00
345 borrowed;

346
347 (5) A computation of the amounts that would be paid on an
348 original loan renewed or rolled-over after the expiration of
349 its original term without any payment of either principal or
350 interest each time, up to six times;
351

352 (6) A warning that default may result in loss of property used as
353 security for the loan and garnishment of wages and
354 checking and savings accounts; and

356 (7) Notice and clear explanation of any state or federal rights to
357 rescind the loan agreement.

359 (b) Failure to comply with the requirement of this section and all other
360 requirements of the Short-Term Lending Code is unlawful.

362 Sec. 70-741. – Referral to Alternative Financial Assistance

364 It shall be the affirmative duty of each permittee to provide to all interested
365 customers and patrons a guide regarding alternatives to short-term loans which
366 has been pre-approved by the City. Should such guide be supplemented or
367 revised, permittee shall distribute the then-current guide approved by the City for
368 distribution.

369 Sec.70-742. – Revocation or denial.

371 (a) Any permit issued under the provisions of the Short-Term Lending
372 Code may be revoked or any permit may be denied by the Director,
373 after due notice and affording an opportunity for a hearing, for any
374 violation of the provisions of the Short-Term Lending Code and as
375 otherwise provided in the Springfield City Code, including without
376 limitation, Section 70-51.

378 (b) Procedures. The procedure for and conduct of hearings under this
379 section shall be as set forth in Section 70-51.

381 Sec.70-743. – Renewal of permit.

383 (a) All Short-Term Loan Establishment permits shall expire on
384 December 31 of each calendar year. Renewal applications for such
385 permits shall be submitted between October 1 and November 30 of
386 each calendar year, accompanied by payment in full of the fee
387 stated in the Short-Term Lending Code, by cash, certified or
388 cashier's check, or money order, and no application shall be
389 considered complete until the fee is paid. The fee shall not be
390 refunded under any circumstances. A Short-Term Loan
391 Establishment permit issued under the Short-Term Lending Code
392 may be renewed if an application in the form provided by the
393 Director has been filed with the application fee with the Director and
394 if the applicant is in compliance with the requirements of the Short-
395 Term Lending Code for an original permit including but not limited
396

397 to Section 70-736 of the Short-Term Lending Code.

398
399 (b) Upon timely application therefore, and subject to meeting the
400 requirements in the Short-Term Lending Code for a new permit, a
401 Short-Term Loan Establishment permit may be renewed by
402 issuance of a new permit in the manner provided in the Short-Term
403 Lending Code unless the Director disapproves the renewal
404 application in the manner provided by Section 70-737 of the Short-
405 Term Lending Code.

406
407 (c) If the application for renewal of a permit is not made during the time
408 provided in subsection (a) of this section, the permit shall expire
409 and the permittee shall cease all activities regulated by the Short-
410 Term Lending Code and the permittee shall file a new application
411 and meet all requirements of the Short-Term Lending Code before
412 engaging in the business or occupations regulated under the short
413 Term Lending Code. In addition, an application for renewal filed
414 after the expiration date shall be treated as a new application.

415
416 Section 2 – Savings clause. Nothing in this Ordinance shall be construed to
417 affect any suit or proceeding now pending in any court or any rights acquired, or liability
418 incurred nor any cause of causes of action occurred or existing, under any act or
419 ordinance repealed hereby.

420
421 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
422 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
423 affect the validity of the remaining portions of this Ordinance. City Council hereby
424 declares that it would have adopted the Ordinance and each section, subsection,
425 sentence, clause or phrase thereof, irrespective of the fact that any one or more
426 sections, subsections, sentences, clauses, or phrases be declared invalid.

427
428 Section 4 – This Ordinance shall be in full force and effect from and after
429 passage except that the fee provision shall not be in full force and effect until 60 days
430 after the voters of the City of Springfield pass a ballot measure that authorizes the fee
431 for the Short-Term Loan Establishment permit described in this Ordinance.

432
433 Passed at meeting: _____

434
435 _____
436 Mayor

437
438 Attest: _____, City Clerk

439
440 Filed as Ordinance: _____

443 Approved as to form: Rhonda Lewsader, City Attorney

444

445

446 Approved for Council action: Juan A. Hage, City Manager

EXPLANATION TO COUNCIL BILL 2019-104

FILED: 04-16-19

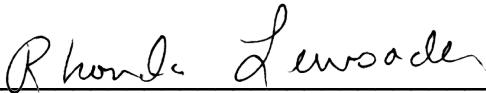
ORIGINATING DEPARTMENT: Law

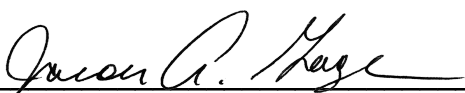
PURPOSE: Adopting Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments, including a permit requirement and registration fee.

BACKGROUND INFORMATION: The Finance and Administration Committee considered the issue of regulating short-term loan establishments. The Committee heard testimony regarding short-term loan establishments and their impact on low-income citizens and requested that staff draft an ordinance similar to the St. Louis ordinance regulating short-term loan establishments which was then modified pursuant to Committee input. This Ordinance establishes regulations for short-term loan establishments including an annual permit, a permit fee, compliance with City Code, and a notice regarding loan information on the establishment's premises. The permit fee will not go into effect unless a ballot measure approving the fee is passed by the public.

Submitted by:

Approved by:


Rhonda Lewsader, City Attorney


Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 11
Filed: 04-16-19

Sponsored by: McClure

First Reading _____
SUBSTITUTE
COUNCIL BILL 2019-104

Second Reading _____
GENERAL ORDINANCE _____

AN ORDINANCE

ADOPTING Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments.

WHEREAS, City Council concludes that the lending and marketing practices of Short-Term Loan Establishments, as defined herein, result in serious financial hardships to some of its citizens, particularly its elderly and low-income citizens, from which they cannot readily extract themselves; can perpetuate poverty; and can increase dependency upon public financial assistance, housing, health care, and social services; and

WHEREAS, City Council finds that the short-term loan industry targets low-income citizens, who are most likely to suffer financial hardship as a result of the lending practices and small loan products offered by Short-Term Loan Establishments; and

WHEREAS, City Council recognizes that the State of Missouri regulates Short-Term Loan Establishments in certain regards but further recognizes that those State regulations do not meet the level of protections for consumers common in adjacent states, nor do they adequately protect the City's citizens from certain lending and marketing practices of Short-Term Loan Establishments; and

WHEREAS, the City has the authority to further regulate Short-Term Loan Establishments in the manner described below; and

WHEREAS, City Council finds that regulation of Short-Term Loan Establishments is necessary for the promotion and protection of the public health, safety, and welfare of its citizens, and the public good of maintaining a viable tax base to fund essential services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

NOTE: Language to be added is underlined.

Section 1 – Chapter 70, ‘Licenses, Permits and Miscellaneous Business Regulations,’ Article XVIII, ‘Short-Term Loan Establishments,’ is hereby adopted as follows:

Sec. 70-725. – Title.

This Article shall be known as the ‘Short-Term Lending Code.’

Sec. 70-726. – Findings and intent of article.

City Council finds and declares the following:

(a) That the lending and marketing practices of Short-Term Loan Establishments, as defined herein, results in serious financial hardships to its citizens, particularly its elderly and low-income citizens, from which they cannot readily extract themselves; can perpetuate poverty; and can increase the dependency upon public financial assistance, housing, health care and social services; and

(b) That the patterns of its proliferation demonstrate that the industry targets low-income citizens most likely to suffer financial hardship as a result of the lending practices and small-loan products offered by Short-Term Loan Establishments; and

(c) That regulation of Short-Term Loan Establishments is necessary for the promotion and protection of: the public health, safety, and welfare of the City’s citizens; and the public good of maintaining a viable tax base to fund essential services.

Sec. 70-727. – Definitions.

The following words, when used in the Short-Term Lending Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the Director of the Department of Finance of the City or a person designated by the Director of the Department of Finance.

Permittee means any individual, firm, association, corporation, partnership, association or organization holding a permit issued by the Director pursuant to the Short-Term Lending Code to operate a Short-Term Loan Establishment.

80 Premises means the bounds of the facility where a Short-Term Loan
81 Establishment conducts business and includes parking lots and other adjacent
82 private property occupied by or used in connection with the business.
83

84 Short-Term Loan Establishment means an establishment which: (a)
85 engages in the business of providing money to customers on a temporary basis,
86 wherein such loans are secured by post-dated check, paycheck, or car title, or
87 (b) is registered as a lender under state or federal law. This classification does
88 not include a state or federally chartered bank, savings and loan association,
89 credit union, or mortgage broker or originator. This classification does not include
90 nonprofit organizations exempt from taxes under Section 501(c)(3) of the Internal
91 Revenue Code of 1986 as amended, nor does it include organizations certified
92 as Community Development Financial Institutions by the U.S. Treasury. Further,
93 this classification does not include the businesses of licensed pawnbrokers or
94 establishments selling consumer goods, including consumables, where the loans
95 or the cashing of checks or money orders are incidental to the main purpose of
96 the business. This classification does include, but is not limited to, check cashing
97 stores, payday loan stores, and car title loan businesses.
98

99 Sec. 70-728. – Applicability of other regulations; conflicting provisions.
100

101 (a) In the event of a conflict between the provisions of the Short-Term
102 Lending Code and other ordinances or other parts of the Springfield
103 City Code, the provisions of the Short-Term Lending Code shall
104 control.
105

106 (b) The permit required by the Short-Term Lending Code shall be in
107 addition to any other licenses and permits required by the
108 Springfield City Code.
109

110 Sec. 70-729. – Permit required.
111

112 Within sixty (60) days of the effective date of this Ordinance, it shall be
113 unlawful for any individual, firm, association, corporation, partnership, or
114 organization:
115

116 (a) To operate or maintain a Short-Term Loan Establishment in the
117 City unless the owner, operator, or lessee thereof has applied for
118 and obtained a Short-Term Loan Establishment permit from the
119 City; or
120

121 (b) To operate such business after such permit has expired or has
122 been revoked by the City.
123

124 A permit shall be required for each location at which a Short-Term Loan
125 Establishment operates in the City; even a location within another business

operation. A permit shall be valid for a period of time of one calendar year (or the remaining portion of a calendar year) and must be renewed annually. This permit shall be in addition to any other permit or license required by other local, state, or federal government. No permit shall be issued for any business seeking to operate at a location prohibited by any applicable local, state, or federal law, statute, ordinance, rule or regulation; provided, however, that a business lawfully in existence on the date of adoption of the Short-Term Lending Code is eligible to apply for and receive a permit so long as such business is otherwise compliant with all laws .

Sec. 70-730. – Permit duration; renewal.

Permits for the operation of a Short-Term Loan Establishment shall be annual permits which expire on December 31 of each year. Each permit shall include the name of the permit holder and address of the premises. Permits in good standing on the date of their expiration shall be eligible for renewal.

Sec. 70-731. – Compliance with Code.

Any violation of the Building Code, Fire Prevention Code, or the Zoning Ordinance shall be a basis to deny, revoke, or not renew a Short-Term Loan Establishment permit.

Sec. 70-732. – Authority to prescribe additional regulations.

The Director shall have the power to promulgate regulations as may be necessary and feasible for carrying out of the intent of the Short-Term Lending Code and the duties of the Director under the Short-Term Lending Code which are not inconsistent with the provisions of such Code.

Sec. 70-733. – Penalty for violation of Short-Term Lending Code.

It shall be unlawful for any person to violate any of the provisions of the Short-Term Lending Code. Upon conviction thereof, such person shall be fined not less than \$100 and not more than \$500 or be punished by imprisonment in jail for a period not exceeding 180 days or be punished by both such fine and imprisonment. Each day's violation of, or failure, refusal, or neglect to comply with any provision of the Short-Term Lending Code shall constitute a separate and distinct offense. The penalties provided in this section are in addition to, and are separate from, any administrative actions by the Director to revoke or deny renewal of a permit issued under the Short-Term Lending Code.

Sec.70-734. – Judicial review of orders of Director; stay of enforcement of orders.

171 Following the entry of an order by the Director revoking a permit or
172 denying a new or renewal application for a permit, such permittee or applicant
173 may seek judicial review in a manner provided by law. The director shall stay
174 enforcement of such order for a period of time not to exceed 30 days from the
175 Director's decision or, if a petition for judicial review is filed, final disposition of the
176 judicial review.

177
178 Sec. 70-735. – Contents of application.
179

180 Any person desiring to operate a Short-Term Loan Establishment shall
181 make written application for a Short-Term Loan Establishment permit or the
182 renewal thereof to the Director or the Director's designee. The application shall
183 be signed by the applicant or an authorized signator of the applicant and
184 notarized. All applications shall be submitted on a form supplied by the Director
185 and shall set forth at least the following:
186

187 (a) The name, residence address, electronic mail address, home and
188 cellular telephone number, and date and place of birth of the
189 applicant or authorized signator;
190

191 (b) The business name, street address of the business premises,
192 electronic mail address of the business, and telephone number of
193 the business;
194

195 (c) The names, residence addresses, residence and cellular telephone
196 numbers, and dates and places of birth of the following:
197

198 (1) All partners, if the applicant is a partnership;
199

200 (2) All members, if the applicant is a limited liability company;
201

202 (3) All corporate officers and Directors and all shareholders with
203 greater than a 10 percent (10%) interest in the corporation, if
204 the applicant is a corporation; and
205

206 (4) All persons having an ownership interest in any other type of
207 business entity or association.
208

209 (d) Whether or not the applicant and/or authorized signator has been
210 convicted of violating any provision of the Short-Term Lending
211 Code; has been convicted of a felony, misdemeanor, infraction or
212 ordinance violation involving moral turpitude, a breach of a fiduciary
213 obligation, or crimes of physical violence or against property; or has
214 ever had a permit issued under the Short-Term Lending Code
215 revoked and, if so, the reason therefore;
216

(e) If the applicant is a Missouri corporation, a certificate of good standing issued by the Missouri secretary of state not more than 30 days prior to the submittal of the application or, if a foreign corporation, a certificate of authority to do business issued by the Missouri secretary of state not more than 30 days prior to the submittal of the application; and

(f) Such further information as the Director may reasonably require.

Sec. 70-736. – Criteria for issuance of permit.

The Director shall investigate the application for a Short-Term Loan Establishment permit and shall issue the permit authorized by the Short-Term Lending Code if the Director finds that each of the following conditions is met without exception:

(a) Applicant is current in the payment of all taxes, fees, and other amounts due to the City on any account, for any purpose;

(b) The application appears to be truthful, complete, and accurate;

(c) The location of the premises meets all applicable spacing, distance and location requirements of applicable zoning ordinances, or the Establishment was lawfully in existence on the date of adoption of the Short-Term Lending Code and was authorized to be in non-conformance;

(d) The premises meet all other applicable health, safety, zoning, property maintenance, building and fire codes, and comply with all ordinances of the City;

(e) Applicant has provided the Director with a designated agent for service who can regularly be contacted in the City during normal business hours;

The Director or a designee is authorized to make inspections of the Short-Term Loan Establishment's premises at reasonable times and hours of any day for purposes of determining whether such Short-Term Loan Establishment fully complies with the provisions of the Short-Term Lending Code.

Sec. 70-737. – Approval or disapproval of application and hearing.

(a) The application for a Short-Term Loan Establishment permit, or the renewal thereof, authorized under the Short-Term Lending Code shall be approved or disapproved within 30 days from the date of the Director's determination that the application is complete, unless

the applicant agrees in writing to an extension of that time period. If a permit application is disapproved, the Director shall notify the applicant by registered or certified mail to the business address stated in the applicant's application and shall state the basis for such disapproval.

- (b) If within ten (10) days after the Director mails notice to an applicant that the application has been disapproved, the applicant files with the Director a written request for a hearing before the Director on whether the applicant has satisfied the criteria set forth in this Section 70-736 of the Short-Term Lending Code; then, the Director shall within five days of receipt of a timely request, mail a notice of hearing to the applicant, which shall include the date, time and place for the hearing before the Director. The date for the hearing shall not be less than 10 days, nor more than 40 days, following receipt by the Director of the request for a hearing by applicant under this section, unless the aggrieved party requesting the hearing agrees to extend the time for the hearing or except for good cause shown.

Sec. 70-738. – Display of permit.

Every individual, firm, corporation, partnership, organization, or association holding a permit under the Short-Term Lending Code as a Short-Term Loan Establishment shall post its permit in a conspicuous place and manner on the premises.

Sec. 70-739. – Compliance with the Short-Term Lending Code and other regulations.

It shall be the duty of a permittee to comply with all the provisions of the Short-Term Lending Code and with all regulations issued by the Director pertaining to Short-Term Loan Establishments. Failure to comply with the Short-Term Lending Code or regulations after written notification of noncompliance has been delivered to the permittee by the City is a permissible basis for revocation or nonrenewal of the permit.

Sec. 70-740. – Notice on premises required.

- (a) It shall be the affirmative duty of each permittee to post a notice printed in not less than 24-point bold type within 3 feet of each location within the premises at which a customer, borrower, or other member of the general public is invited or directed to stand or sit to either apply for a loan, to answer or ask questions, to review or sign transaction documents, or receive loan proceeds, to make

308 payments or to inquire about, or apply for, the renewal or the rolling
309 over of a loan, which sets out the following information:

310
311 (1) The word "NOTICE" in bold capital letters;

312
313 (2) That this establishment is a short-term loan establishment
314 and is not a federally chartered bank, savings and loan
315 association, or credit union;

316
317 (3) The interest rates and fees charged;

318
319 (4) The annual percentage rate equivalent of the aggregate of
320 those interest rates and fees charged per \$100.00
321 borrowed;

322
323 (5) A computation of the amounts that would be paid on an
324 original loan renewed or rolled-over after the expiration of
325 its original term without any payment of either principal or
326 interest each time, up to six times;

327
328 (6) A warning that default may result in loss of property used as
329 security for the loan and garnishment of wages and
330 checking and savings accounts; and

331
332 (7) Notice and clear explanation of any state or federal rights to
333 rescind the loan agreement.

334
335 (b) Failure to comply with the requirement of this section and all other
336 requirements of the Short-Term Lending Code is unlawful.

337
338 Sec. 70-741. – Referral to Alternative Financial Assistance

339
340 It shall be the affirmative duty of each permittee to provide to all interested
341 customers and patrons a guide regarding alternatives to short-term loans which
342 has been pre-approved by the City. Should such guide be supplemented or
343 revised, permittee shall distribute the then-current guide approved by the City for
344 distribution.

345
346 Sec.70-742. – Revocation or denial.

347
348 (a) Any permit issued under the provisions of the Short-Term Lending
349 Code may be revoked or any permit may be denied by the Director,
350 after due notice and affording an opportunity for a hearing, for any
351 violation of the provisions of the Short-Term Lending Code and as
352 otherwise provided in the Springfield City Code, including without

353 limitation, Section 70-51.

- 354
- 355 (b) Procedures. The procedure for and conduct of hearings under this
- 356 section shall be as set forth in Section 70-51.
- 357

358 Sec.70-743. – Renewal of permit.

359

- 360 (a) All Short-Term Loan Establishment permits shall expire on
- 361 December 31 of each calendar year. Renewal applications for such
- 362 permits shall be submitted between October 1 and November 30 of
- 363 each calendar year. A Short-Term Loan Establishment permit
- 364 issued under the Short-Term Lending Code may be renewed if an
- 365 application in the form provided by the Director has been filed with
- 366 the Director and if the applicant is in compliance with the
- 367 requirements of the Short-Term Lending Code for an original permit
- 368 including but not limited to Section 70-736 of the Short-Term
- 369 Lending Code.
- 370
- 371 (b) Upon timely application therefore, and subject to meeting the
- 372 requirements in the Short-Term Lending Code for a new permit, a
- 373 Short-Term Loan Establishment permit may be renewed by
- 374 issuance of a new permit in the manner provided in the Short-Term
- 375 Lending Code unless the Director disapproves the renewal
- 376 application in the manner provided by Section 70-737 of the Short-
- 377 Term Lending Code.
- 378
- 379 (c) If the application for renewal of a permit is not made during the time
- 380 provided in subsection (a) of this section, the permit shall expire
- 381 and the permittee shall cease all activities regulated by the Short-
- 382 Term Lending Code and the permittee shall file a new application
- 383 and meet all requirements of the Short-Term Lending Code before
- 384 engaging in the business or occupations regulated under the short
- 385 Term Lending Code. In addition, an application for renewal filed
- 386 after the expiration date shall be treated as a new application.
- 387

388 Section 2 – Savings clause. Nothing in this Ordinance shall be construed to

389 affect any suit or proceeding now pending in any court or any rights acquired, or liability

390 incurred nor any cause of causes of action occurred or existing, under any act or

391 ordinance repealed hereby.

392

393 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or

394 phrase of this Ordinance is for any reason held to be invalid, such decision shall not

395 affect the validity of the remaining portions of this Ordinance. City Council hereby

396 declares that it would have adopted the Ordinance and each section, subsection,

397 sentence, clause or phrase thereof, irrespective of the fact that any one or more

398 sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Rhonda Lewsader, City Attorney

Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO SUBSTITUTE COUNCIL BILL 2019-104

FILED: 04-16-19

ORIGINATING DEPARTMENT: Law

PURPOSE: To adopt Springfield City Code Chapter 70, 'Licenses, Permits and Miscellaneous Business Regulations,' Article XVIII, 'Short-Term Loan Establishments,' to establish regulations for short-term loan establishments.

BACKGROUND INFORMATION: The Finance and Administration Committee considered the issue of regulating short-term loan establishments. The Committee heard testimony regarding short-term loan establishments and their impact on low-income citizens and requested that staff draft an ordinance similar to the St. Louis ordinance regulating short-term loan establishments which was then modified pursuant to Committee input. The Finance and Administration Committee voted to recommend to City Council an ordinance establishing regulations for short-term loan establishments including an annual permit, a permit fee, compliance with City Code, and a notice regarding loan information on the establishment's premises. The permit fee would not go into effect unless a ballot measure approving the fee is passed by the public. Mayor McClure requested that staff prepare this substitute version of the ordinance that does not include a permit fee.

Submitted by:

Approved by:


Rhonda Lewsader, City Attorney


Jason Gage, City Manager

One-rdg. _____
P. Hrngs. X
Pgs. 19
Filed: 04-30-19

Sponsored by: Simpson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-109

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation, by rezoning 2.39 acres of property,
3 generally located at 3250 East Sunshine Street, from Planned
4 Development No. 9 to GR, General Retail District; establishing Conditional
5 Overlay District No. 172; and adopting an updated Official Zoning Map
6 (Staff and Planning and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 3250 East Sunshine Street, and more fully described in "Exhibit B"
11 from Planned Development No. 9 to GR, General Retail District and to establish
12 Conditional Overlay District No. 172; and
13

14 WHEREAS, Conditional Overlay District No. 172 shall modify the requirements
15 of the Springfield Land Development Code Section 36-421, GR, General Retail District,
16 by requiring that the property described in "Exhibit B" comply with the requirements
17 described in "Exhibit A," which is attached hereto and incorporated herein by this
18 reference; and
19

20 WHEREAS, following proper notice, a public hearing was held before the
21 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
22 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
23 and said Commission made its recommendation; and
24

25 WHEREAS, the City has reviewed the applicant's request and prepared a staff
26 report concerning the application which is attached hereto and incorporated herein by
27 this reference as "Exhibit D;" and
28

29 WHEREAS, proper notice was given of a public hearing before City Council, and
30 said hearing was held in accordance with law.
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34
35 Section 1 – The property described in "Exhibit B" of this Ordinance, which is
36 attached hereto and incorporated herein by this reference, is hereby rezoned from
37 Planned Development No. 9, or such zoning districts as are designated on the official
38 zoning map adopted by City Council, to GR, General Retail District and establishing
39 Conditional Overlay District No. 172. The requirements of Conditional Overlay District
40 No. 172, which are described in "Exhibit A," and are hereby incorporated by this
41 reference as if set out verbatim herein, shall apply to the subject property; and the
42 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
43 interpretation,' is hereby amended, changed and modified accordingly.
44

45 Section 2 – City Council hereby directs the City Manager, or his designee, to
46 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
47 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
48 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
49 and rules of interpretation.'
50

51 Section 3 – The Official Zoning Map herein adopted shall be maintained and
52 archived in the same digital form in which this Council has approved its adoption.
53

54 Section 4 – This Ordinance shall be in full force and effect from and after
55 passage.
56

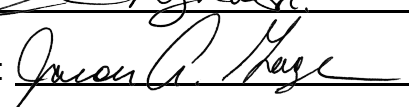
57 Passed at meeting: _____
58

59 _____
60 Mayor
61

62 Attest: _____, City Clerk
63

64 Filed as Ordinance: _____
65

66 Approved as to form: , Assistant City Attorney
67

68 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -109

FILED: 04-30-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 2.39 acres of property, generally located at 3250 East Sunshine Street, from Planned Development No. 9 to GR, General Retail District; establishing Conditional Overlay District No. 172; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-11-2019/ CONDITIONAL OVERLAY DISTRICT NO. 172

The approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

REMARKS:

The Planning and Zoning Commission held a public hearing on April 11, 2019, and recommended approval, by a vote of 7 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

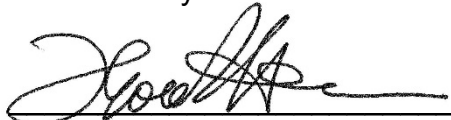
FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone 2.39 acres of property from Planned Development District No. 9 to a GR, General Retail District with a Conditional Overlay District.
2. Approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval

of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.

3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, additional landscaping, govern access to adjacent streets and require a traffic study at the time of development.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

Submitted by:



Bob Hosmer, AICP Principal Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Conditional Overlay District Provisions

Attachment 3: Neighborhood Meeting Summary

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

The requirements of *Section 36-421* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. No access will be allowed to East Washita Street.
2. The existing drive on Sunshine will need to be removed or limited to right-in / right-out only.
3. The current access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east.
4. A 20' feet bufferyard shall be provided along the south property line (except where the access to Ingram Mill exists for a distance of 50 feet into the property). The bufferyard shall require a 3' foot tall berm with a 6' feet wooden privacy fence located 10 feet from the property line. The required plantings shall be either a 6' feet Chinese juniper "Spartan" (*Juniperus chinensis* "Spartan") or a 6' feet red cedar "Taylor" (*Juniperus virginiana* "Taylor") or similar 6' feet evergreen columnar trees planted 30' feet on center in the bufferyard on the southside of the fence.
5. A cross access shall be encouraged to provide access to Ingram Mill for the property to the west.
6. A traffic impact study shall be provided at the time of development to determine if public improvements are warranted.
7. It appears approximately 4 feet of additional right-of-way needs to be acquired along Ingram Mill and approximately 5 feet of additional right-of-way along Sunshine. A 30-foot by 30-foot right-of-way sight triangle is required at the corner of Sunshine and Ingram Mill.

Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

Legal Description 3250 East Sunshine

ALL BEGINNING AT A POINT 264 FEET EAST AND 30 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION THIRTY-THREE (33), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-ONE (21); THENCE EAST 328 FEET; THENCE SOUTH 320 FEET; THENCE WEST 328 FEET; THENCE NORTH 320 FEET TO THE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI.

Exhibit C

RECORD OF PROCEEDINGS ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172 Planning and Zoning Commission April 11, 2019

Z-11-2019 w/COD #172

3250 East Sunshine Street

Applicant: Sunshine RE Holdings LLC

Mr. Hosmer states that this is a request to rezone approximately 2.39 acres of property generally located at 3250 East Sunshine from a Planned Development District No. 9 to a GR, General Retail District and establish Conditional Overlay District No. 172. The Comprehensive Plan identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial, Ingram Mill as a collector and Washita as a local roadway. A Traffic Impact Study shall be prepared at the time of development. A fee in lieu of on-site stormwater detention is not applicable as the site is already built. The property is not located in a stream buffer area. The normal bufferyard between a GR and R-SF with public street (Washita) that is 70 feet or less is a "Type S2" at least fifteen (15) feet wide/ plantings.

The Conditional Overlay District will require:

- A 20' feet bufferyard shall be provided along the south property line (except where the access to Ingram Mill (50 feet into the property). The bufferyard shall require a 3' foot tall berm with a 6' feet wooden privacy fence located 10 feet from the property line and require 6 ft evergreens planted every 30 feet.
- If the building along Ingram Mill is not demolished; 6 feet wooden fence along Washita Street the length of the drive and remainder of south property line shall have the required 20 feet bufferyard/fence/berm/plantings.
- Access to Washita Street will be prohibited and require the existing driveway on Sunshine to be removed or limited to a right-in / right-out only.
- Access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east if the building along Ingram Mill is demolished.
- A traffic impact study. Five (5) feet of right-of-way along Sunshine Street and a 30-foot by 30-foot right-of-way sight triangle at the corner of Sunshine and Ingram Mill. Four (4) feet of ROW dedicated on Ingram Mill. The right-of-way will be required if the building along Ingram Mill is demolished and additional building square footage is constructed.

Staff recommends approval.

Mr. Coltrin asked about the extra buffers and berms and if voluntarily or if staff required.

Mr. Hosmer stated they are coming from the neighborhood meeting and what the developer will do.

Mr. Doennig opened the public hearing.

Mr. Geoff Butler, 319 N. Main Avenue representing the applicant. This is a former Meeks Lumberyard and the buyer wants General Retail to do something in the future and the buildings on the property may be demolished and will possibly rebuild later.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Ms. Cox motioned to approve consent items Z-11-2019 w/COD #172 (3250 East Sunshine Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Shuler, Broekhoven, Ogilvy, Cox, and Jobe. Nays: None. Abstain: None. Absent: Rose and Thomas.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is enclosed in a rectangular box. The signature is fluid and cursive.

Bob Hosmer, AICP
Principal Planner

Exhibit D

APRIL 11, 2019

MAY 6, 2019



SUMMARY OF REQUEST:

To rezone approximately 2.39 acres of property from Planned Development No. 9 to a GR, General Retail District and establish Conditional Overlay District No. 172.

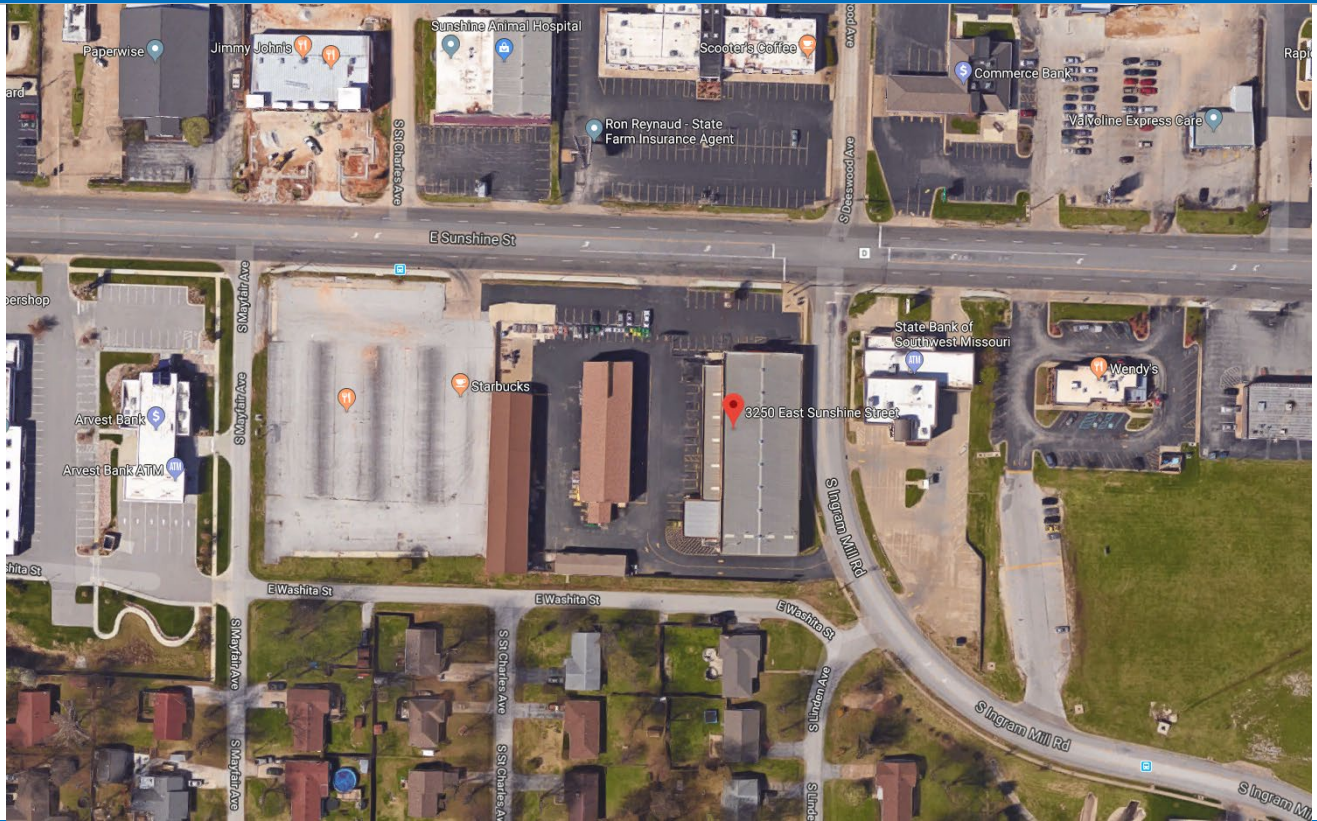
FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The GR zoning district has been identified as an appropriate zoning for this category. The subject property is located along Sunshine Street which is classified as a primary arterial roadway and Ingram Mill which is classified as a collector roadway in the Major Thoroughfare Plan.
2. Approval of this request will provide for the redevelopment of this property consistent with the surrounding property and will provide for the productive use of this property where investments in public infrastructure and services have already been made.
3. The Conditional Overlay District will provide for the dedication of right-of-way for adjacent streets, additional landscaping, govern access to adjacent streets and require a traffic study at the time of development.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	R-SF	HC	GR
LAND USE	Retail and office use	Single-family residences	Retail and office use	Retail and office use

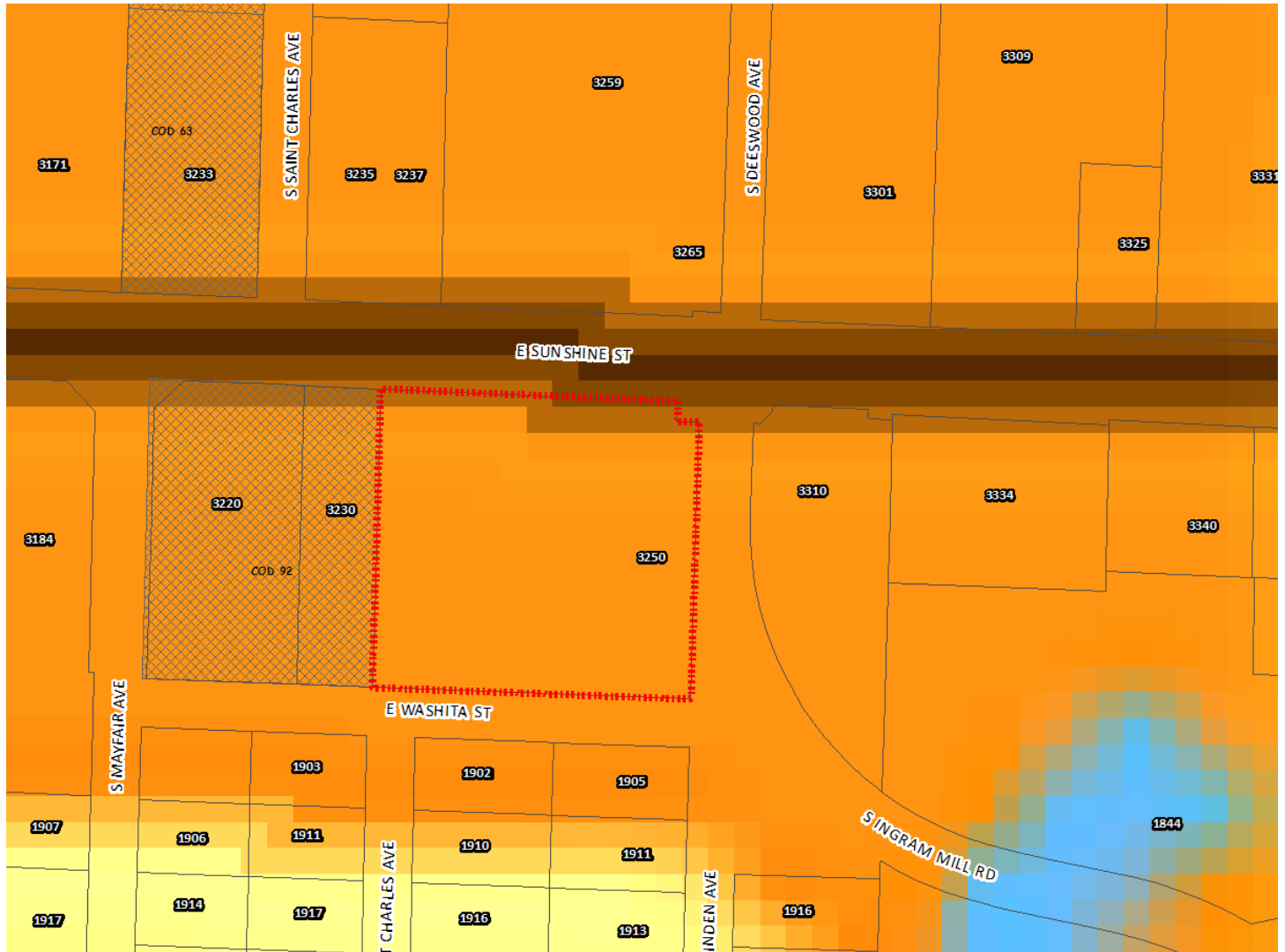
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse

- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area

- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

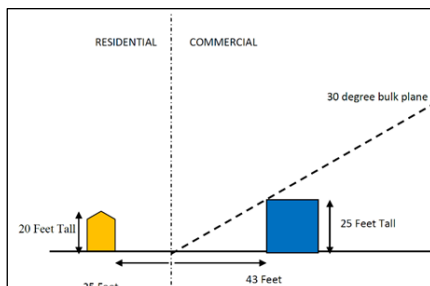
The subject property was rezoned from a C-2, General Retail District to a Planned Development Number 9 on July 27, 1981 and has been zoned a Planned Development No 9 since the Citywide remapping in 1995.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GR
Use Limitations	(a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows: 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services. 2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.
Maximum Structure Height	None, except that no building shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code

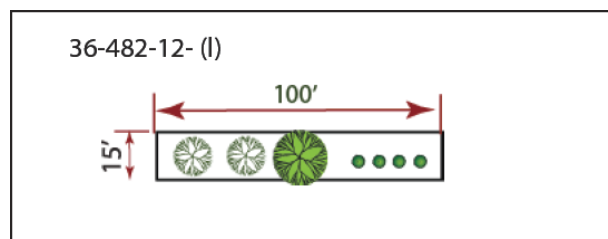
BULK PLANE

30-degree bulk plane is required adjacent to R-SF zoning.



BUFFERYARD AND LANDSCAPING

Bufferyard Type "S2" when across street from R-SF.



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Medium Intensity Retail, Office or Housing. The GR zoning district has been identified as an appropriate zoning for this category. The GR district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops and are recommended to be located along or at the intersection of two or more arterial or higher classification streets. The subject property is located along Sunshine Street which is classified as a primary arterial roadway and Ingram Mill is classified as a collector roadway in the Major Thoroughfare Plan.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must consider the existing residential areas. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The plan encourages mixed use. However, where commercial areas are concentrated they should be sited and designed to have a minimal effect on adjacent lower-intensity development and the environment.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* also states that new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. Encourage the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses. These practices will help ensure the integrity and function of the road system, reduce the length and frequency of auto trips, minimize impact on residential areas and contribute to the overall attractiveness of the community.

STAFF COMMENTS:

1. The applicant is requesting to rezone 2.39 acres of property from Planned Development District No. 9 to a GR, General Retail District with a Conditional Overlay District.
2. Approval of this application will provide for the redevelopment of this property that is consistent with the surrounding zoning and development. The subject property was part of the Meeks lumberyard development. The existing PD zoning only permits wholesale and retail sales of home building supplies and materials including lumber, appliances and tools. If approved, any use permitted in the GR district will be permitted which includes restaurants, banks and offices. Approval of GR zoning will provide more opportunities for the redevelopment and reuse of the subject property in a manner consistent with surrounding properties.
3. The Conditional Overlay District that accompanies this request will prohibit access to Washita Street and require the existing driveway on Sunshine to be removed or limited to a right-in / right-out only. The COD will also require the dedication of additional right-of-way along Sunshine and Ingram Mill and require a 30x30 sight triangle at this intersection. The Conditional Overlay District will require the completion of a traffic study at the time of development and may require public improvements based on the proposed development's impact on the street system.
4. The normal bufferyard required between GR and R-SF with public street right-of-way 70 feet or less is a Bufferyard "Type S2" at least fifteen (15) feet wide. A street bufferyard is required along the south property line adjacent to Washita Street across from the R-SF zoning districts. Plantings required for a Type S2 bufferyard are for each one-hundred (100) linear feet, there must be at least one (1) canopy tree, two (2) understory trees and four (4) shrubs. No structures are required as part of this bufferyard.

5. A perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. The width of the perimeter landscaping can vary in size depending on the parking lot layout such as landscaped parking islands within 30 feet of the street and varied widths of landscaping strips along the frontage. This is not in addition to the S2 bufferyard, but rather an overlaying bufferyard. Parking lots or vehicle use areas are required to be screened by a four-foot fence or berm.
6. The applicant is proposing to modify the required Type S2 and perimeter landscaping requirements along Washita in the Conditional Overlay District provisions by requiring a 20 feet bufferyard with a berm and a 6 feet wooden fence. The COD will require evergreen trees that are at least 6 feet in height to be planted every 30 feet along the frontage of Washita on the southside of the fence.
7. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.
8. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 21, 2019, regarding the request for rezoning. A summary of this meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet: Mailed: 28 Returned: 0

DEPARTMENT COMMENTS:

ATTACHMENT 1

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objections to the rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

FIRE DEPARTMENT COMMENTS:

No objections to the rezoning.

MISSOURI DEPARTMENT OF TRANSPORTATION COMMENTS:

A traffic study may be required when this property develops. The existing drive on Sunshine does not meet access management spacing. This drive on Sunshine will need to be removed or limited to right-in / right-out only.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:**STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION**

City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway and is under MoDOT jurisdiction. MoDOT has not requested additional right of way on E. Sunshine Street. S Ingram Mill Avenue is classified as a Collector roadway which requires 60 feet of right of way, 30 feet from the centerline. It appears approximately 4 feet is needed. E Washita Street is classified as a local street which requires 50 feet of right of way, 25 feet from the centerline. It appears adequate right of way exists. A survey is recommended to determine the exact amount of existing right-of-way on both S Ingram Mill Avenue and E Washita Street. S Ingram Mill and E Washita Street are city-maintained streets. A 30 foot X 30 foot right of way sight triangle is required at the intersection of E Sunshine Street and S Ingram Mill Avenue.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on E Sunshine Street is 15,507 vehicles per day. The most recent traffic count on S Ingram Mill Avenue is 6,968 vehicles per day. E Washita Street is classified as a local street and does not have a traffic count. Traffic counts are done on local streets by request only. On-street parking is not allowed along E Sunshine Street, S Ingram Mill Avenue or E Washita Street.

DRIVEWAY ACCESS

There is currently one driveway access point on E Sunshine Street to the property and one driveway access point to S Ingram Mill Avenue. Per MoDOT comments, the existing driveway approach on E Sunshine Street will need to be removed or become a right in/right out. The existing driveway access point on S Ingram Mill Avenue can remain or be relocated across from the existing driveway approach on the property to the east. No access is allowed to E Washita Street.

SIDEWALK

Sidewalk currently exists along E Sunshine Street and along S Ingram Mill Avenue.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this rezoning. There is one bus stop along E. Sunshine Street and one on S Ingram Mill Avenue in the area pertaining to this rezoning. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study is required at development based on the highest, most intense use being developed. There are no improvements planned for this portion of E Sunshine Street or S Ingram Mill Avenue.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft)	Required Street ROW from Centerline (ft)
Street 1	E. Sunshine	Primary Arterial	No	45	50
Street 2	S. Ingram Mill	Collector	No	26	30
Street 3	E. Washita	Local	No	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		TBD	TBD	N/A	N/A
*Proposed Trips Generated		TBD	TBD	N/A	N/A

Additional Trips Generated	TBD	TBD	N/A	N/A
-----------------------------------	-----	-----	-----	-----

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Galloway Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not applicable as the site is already built out and no additional impervious can be added. The property is not located in a stream buffer area. Since the project will not be disturbing more than one (1) acre there will not be a land disturbance permit required.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. If disturbing more than one acre water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. Water quality will still need to be provided if more than one acre is disturbed.

Public Works Stormwater Division	Response
Drainage Basin	Galloway Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	NA – site is already at maximum impervious

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-11-2019 & CONDITIONAL OVERLAY DISTRICT NO. 172

The requirements of Section 36-421 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following.

1. No access will be allowed to East Washita Street.
2. The existing drive on Sunshine will need to be removed or limited to right-in / right-out only.
3. The current access to Ingram Mill can be retained or shall be relocated across from the existing access from the property to the east if the building along Ingram Mill is demolished.
4. A 20' feet bufferyard shall be provided along the south property line (except were the access to Ingram Mill exists for a distance of 50 feet into the property). The bufferyard shall require a 3' foot tall berm with a

6' feet wooden privacy fence located 10 feet from the property line. The required plantings shall be either a 6' feet Chinese juniper "Spartan" (*Juniperus chinensis* "Spartan") or a 6' feet red cedar "Taylor" (*Juniperus virginiana* "Taylor") or similar 6' feet evergreen columnar trees planted 30' feet on center in the bufferyard on the southside of the fence. If the building along Ingram Mill is not demolished and there is no additional building square footage added onsite; there shall be a 6' feet wooden privacy fence constructed along the south property line along Washita Street for approximately 160 feet (driveway length) from the Ingram Mill Road right of way. The 20 feet bufferyard, berm, fence and planting requirements as noted above shall be constructed for the remainder of the south property line along Washita.

5. A cross access shall be encouraged to provide access to Ingram Mill for the property to the west.
 6. A traffic impact study shall be provided at the time of development to determine if public improvements are warranted.
 7. Five (5) feet of additional right-of-way is required along Sunshine Street and a 30-foot by 30-foot right-of-way sight triangle is required at the corner of Sunshine and Ingram Mill. Four (4) feet of additional right-of-way is required along Ingram Mill. The additional right-of-way will be required if the building along Ingram Mill is demolished and additional building square footage is constructed.
-

NEIGHBORHOOD MTG
3250 E SUNSHINE
3.21.19 - 400 - 630 PM

NAME	ADDRESS	EMAIL
Sara Appleby	1914 S Mayfair	saraappleby@sagebrush
Mandace Prewitt	2733 E. Battleground Rd #355 ⁰⁴	nanproperties117@qmail.com
LuAnn Creed	1906 S. Mayfair	Creedville@yahoo

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Planned Development 9 to General Retail with Conditional Overlay District
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Thursday March 21, 2019
3. Meeting Location: 3250 East Sunshine
4. Number of invitations that were sent: 108
5. How the mailing list was generated: by City
6. Number of neighbors in attendance (attach a sign-in sheet): three
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

All three neighbors were concerned about the traffic conditions out there. Washita which is behind the property has been taking a lot of traffic with the development of the Arvest Bank and the properties west of this tract. Most of the traffic seems to be people who can't access Sunshine to go west and use Washita to get to the signal on Ingram Mill. Others use Washita to get to Ingram Mill to go south.

As a result of the traffic, the road is deteriorating and needs to be improved.

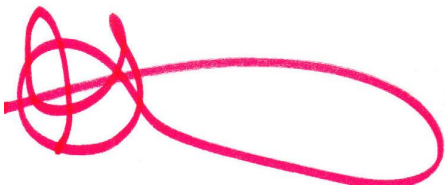
A secondary concern was the trash which blows onto their yards from the commercial properties or from the traffic.

8. No one objected to the zoning and land uses.

We are proposing a COD which has the following added restrictions:

1. No access to Washita will be allowed.
2. One access to Sunshine is allowed
3. The current access to Ingram Mill shall be retained.
4. A 20' bufferyard shall be provided on the south property line (except were the access to Ingram Mill exists) the bufferyard shall have a three foot berm on it with a 6' privacy fence located on the high point 10' from the PL.
5. Cross access with the properties to the west shall be encouraged to provide access to Ingram Mill.

I, Geoffrey Butler (print name), attest that the neighborhood meeting was held on 3/21/19 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Geoffrey H. Butler AIA

One-rdg. _____
P. Hrngs. X
Pgs. 20
Filed: 04-30-19

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-110

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation,' by rezoning approximately 8 acres of
3 property generally located at 2745 South Maple Leaf Lane and the 2700
4 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway
5 Commercial. (Staff and Planning and Zoning Commission both
6 recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 2745 South Maple Leaf Lane and a private street generally located
11 at the 2700 Block of South Maple Leaf Lane, which are more fully described in "Exhibit
12 A," from GR, General Retail to HC, Highway Commercial; and
13

14 WHEREAS, the purpose of this rezoning is to facilitate the expansion of an
15 existing self-service storage facility with outdoor storage; and
16

17 WHEREAS, following proper notice, a public hearing was held before the
18 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
19 hearing being attached hereto and incorporated herein by this reference as "Exhibit B,"
20 and said Commission made its recommendation; and
21

22 WHEREAS, the City has reviewed the applicant's request and prepared a staff
23 report concerning the application which is attached hereto and incorporated herein by
24 this reference as "Exhibit C;" and
25

26 WHEREAS, proper notice was given of a public hearing before City Council, and
27 said hearing was held in accordance with law.
28

29 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
30 SPRINGFIELD, MISSOURI, as follows, that:
31

32 Section 1 – The property described in "Exhibit A" of this Ordinance, which is
33 attached hereto and incorporated herein by this reference, is hereby rezoned from GR,

General Retail, or such zoning districts as are designated on the official zoning map adopted by City Council, to HC, Highway Commercial; and the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed and modified accordingly.

Section 2 – City Council hereby directs the City Manager, or his designee, to update the City's digital zoning map to reflect this rezoning, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 3 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

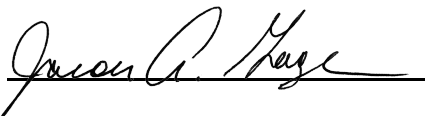
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -110

FILED: 04-30-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 8 acres of property generally located at 2745 South Maple Leaf Lane and the 2700 Block of South Maple Leaf Lane from GR, General Retail to HC, Highway Commercial. (Staff and Planning and Zoning Commission both recommend approval.)

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-8-2019

The applicant is proposing to rezone approximately 8.17 acres of property generally located at 2745 South Maple Leaf Lane and 2700 South Maple Leaf Lane (private street) from GR, General Retail to HC, Highway Commercial. The purpose of this rezoning is to facilitate the expansion of an existing self-service storage facility with outdoor storage.

REMARKS:

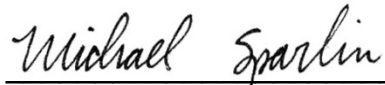
The Planning and Zoning Commission held a public hearing on April 11, 2019, and recommended approval, by a vote of 7 to 1.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse. The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low to- mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.
2. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

Submitted by:



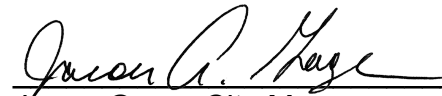
Michael Sparlin, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Jason Gage, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings

Exhibit C, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Neighborhood Meeting Summary

Exhibit A

**LEGAL DESCRIPTION
ZONING CASE Z-8-2019**

A COMBINED PARCEL OF LAND LOCATED IN THE WEST ONE-HALF (W1/4) OF LOTS 1 AND 2 OF THE NORTHEAST FRACTION QUARTER (NE FR1/4) OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING BOAT SPIKE MARKING THE NORTHEAST CORNER OF SAID SECTION 1; THENCE N88°19'36"W. APPROXIMATELY FOLLOWING THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2664.13 FFET (CALCULATED 2661' RECORD) TO THE APPROXIMATE NORTHWEST CORNER OF THE NORTHEAST QUARTER; THENCE S.02°00'25"W., ALONG THE WEST LINE OF SAID NE.FR1/4, A DISTANCE OF 825.31 FEET MEAS. (826' DEED) FOR THE POINT OF BEGINNING:

THENCE S.88°17'59"E., A DISTANCE OF 502.99 FEET MEAS. (502.92' DEED) TO A SET CONCRETE NAIL (AN EXIST. IRON PIN CAPPED 2001-020272D IS 0.55' WEST AND 0.08' SOUTH OF CORNER); THENCE S. 00°21'24"E., A DISTANCE OF 525.85 FEET MEAS. (526'DEED); TO AN EXISTING IRON PIN CAPPED "GORDON"; THENCE S.00°31'32"E., A DISTANCE OF 55.98 FEET MEAS. (56.0' DEED) TO AN EXISTING 5/8" IRON PIN; THENCE S. 88°06'45"W., A DISTANCE OF 302.31 FEET MEAS. (302.49' DEED) TO AN EXISTING IRON PIN CAPPED "LC-280D"; THENCE N.01°19'47"E., A DISTANCE OF 55.76 FEET MEAS. (56.00' DEED) TO AN EXISTING IRON PIN CAPPED "GORDON"; THENCE S. 88°30'30"W., A DISTANCE OF 225.12 FEET MEAS. AND DEED, THROUGH AN EXISTING IRON PIN CAPPED "LC-280D TO AN IRON PIN SET AND CAPPED "PLS-2260" BEING SITUATED ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE N. 01°52'49"E. ALONG SAID WEST LINE, A DISTANCE OF 17.87 FEET MEAS. (18.00' DEED) TO AN EXISTING 5/8" IRON PIN MARKING THE NORTHWEST CORNER OF THE WEST ½ OF LOT 1 OF THE NORTHEAST FRACTIONAL QUARTER (ACCORDING TO SURVEY FOUND IN S.R.B. 45, PG. 107 AND SET FOR S.R.B. 38, PG. 210); THENCE N. 02°02'17"E., ALONG SAID WEST LINE, A DISTANCE OF 527.58 FEET MEAS (527.8' DEED) TO THE POINT OF BEGINNING. ALL BEING IN GREENE COUNTY, MISSOURI AND CONTAINING 6.75 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

NOTE: THIS DESCRIPTION IS A COMBINATION OF TRACTS SEPARATELY DESCRIBED IN BOOK 2356, PAGE 1653; BOOK 2807, PAGE 0675; AND BOOK 2849 AT PAGE 1361 AND AS A WHOLE, RE-SURYVED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM.

AND

A STRIP OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST, MORE

PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF SAID QUARTER-QUARTER APPROXIMATELY 900.5 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER-QUARTER; THENCE SOUTH $03^{\circ}10'10''$ WEST, A DISTANCE OF 395.35 FEET (395.6' RECORD); THENCE SOUTH $87^{\circ}13'50''$ EAST, A DISTANCE OF 53.21 FEET; THENCE SOUTH $00^{\circ}22'51''$ WEST, A DISTANCE OF 396.50' TO A POINT BEING 796 FEET SOUTH (BY RECORD) OF THE SAID NORTH LINE FOR THE POINT OF BEGINNING; THENCE NORTH $87^{\circ}13'50''$ WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH $00^{\circ}22'33''$ WEST, A DISTANCE OF 34.47 FEET; THENCE SOUTH $87^{\circ}19'49''$ EAST, A DISTANCE OF 207.02 FEET; THENCE NORTH $02^{\circ}37'57''$ EAST, A DISTANCE OF 34.00 FEET; THENCE NORTH $87^{\circ}12'28''$ WEST, A DISTANCE OF 168.38 FEET (169.2' RECORD) TO THE POINT OF BEGINNING. ALL BEING IN GREENE COUNTY, MISSOURI AND CONTAINING 7,110 SQUARE FEET, SUBJECT TO EASEMENTS OF RECORD AND ANY PORTION DEEDED OR USED FOR ROADWAY PURPOSES.

AND

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION ONE (1), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) A DISTANCE OF 1283.7 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 60; THENCE SOUTHWESTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE AND MAKING AN ANGLE OF $55^{\circ}27'$ TO THE RIGHT FROM THE LAST DESCRIBED COURSE A DISTANCE OF 953.1 FEET FOR A POINT OF BEGINNING; THENCE IN A NORTHWESTERLY DIRECTION AND MAKING AN ANGLE OF $122^{\circ}08'$ TO THE RIGHT FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY A DISTANCE OF 993.90 FEET; THENCE EAST AND MAKING AN ANGLE OF $92^{\circ}05'$ TO THE RIGHT FROM THE LAST DESCRIBED COURSE A DISTANCE OF 60.0 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 953.80 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 60, SAID POINT BEING 71.0 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 71.0 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) AND A PART OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$), ALL IN SECTION 1, TOWNSHIP 28 NORTH, RANGE 23 WEST, IN GREENE COUNTY, MISSOURI.

Exhibit B

**RECORD OF PROCEEDINGS
ZONING CASE Z-8-2019
Planning and Zoning Commission April 11, 2019**

Z-8-2019

2745 South Maple Leaf Lane and Maple Leaf Lane (private street)

Applicant: A & A West JSW, LLC and Cornelius Datema

Mr. Hosmer states that this a request to rezone approximately 8 acres of property located at 2745 Maple Leaf Lane from a GR, General Retail District to a HC, Highway Commercial District. Applicant is proposing to expand an existing self-storage facility. The Comprehensive Plan identifies this property as light industrial, office and office-warehouse. The 2009 West Sunshine/Highway 60 Corridor Study identifies the property as part of a Community Activity Center. The Major Thoroughfare Plan classifies West Sunshine as an Expressway Maple Leaf Lane is a private street. MoDOT may require a Traffic Impact Study at the time of development depending on the intensity of the development. The property is not located in a FEMA designated floodplain or a stream buffer area. There is an existing detention on-site. Staff recommends approval.

Melissa Cox asked if the site was non-conforming.

Bob Hosmer noted that the property was non-conforming and was annexed by the City in August 2005 from County M-1 to General Retail and is a major activity center.

Ms. Cox asked when the area land was zoned for Highway Commercial and asked about surrounding land uses.

Mr. Hosmer noted that it was zoned Highway Commercial several years ago.

Randall Doennig asked about the property to the north and east and if County zoning.

Mr. Hosmer noted that the properties mentioned are not County zoning.

Mr. Doennig opened the public hearing.

Mr. Dolph Woodman, 314 Cherokee Path, Clever, MO purchased the property one year ago and expanding out-door storage and here to answer any questions.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Jobe motioned to approve consent items Z-8-2019 (2745 South Maple Leaf Lane and Maple Leaf Lane (private street)). Ms. Cox seconded the motion. Ayes: Doennig, Coltrin, Shuler, Broekhoven, Ogilvy, and Jobe. Nays: Cox. Abstain: None. Absent: Rose and Thomas.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', enclosed within a rectangular box.

Bob Hosmer, AICP
Principal Planner

Exhibit C

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

APRIL 11, 2019

CITY COUNCIL PUBLIC HEARING:

MAY 6, 2019



CASE NUMBER:
Z-8-2019

PROJECT LOCATION: 2745 South Maple Leaf Lane and 2700 block South Maple Leaf Lane (private street)

ACRES: 8.17 acres

EXISTING LAND USE: Self-service storage facility and private street

APPLICANT: A&A West JSW LLC, Cornelius Datema

STAFF:
Michael Sparlin, Senior Planner
417-864-1091

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve Z-8-2019 as submitted.

SUMMARY OF REQUEST:

Request to rezone approximately 8.17 acres of property generally located at 2745 South Maple Leaf Lane and 2700 block South Maple Leaf Lane (private street) from GR, General Retail to HC, Highway Commercial.

FINDINGS FOR STAFF RECOMMENDATION:

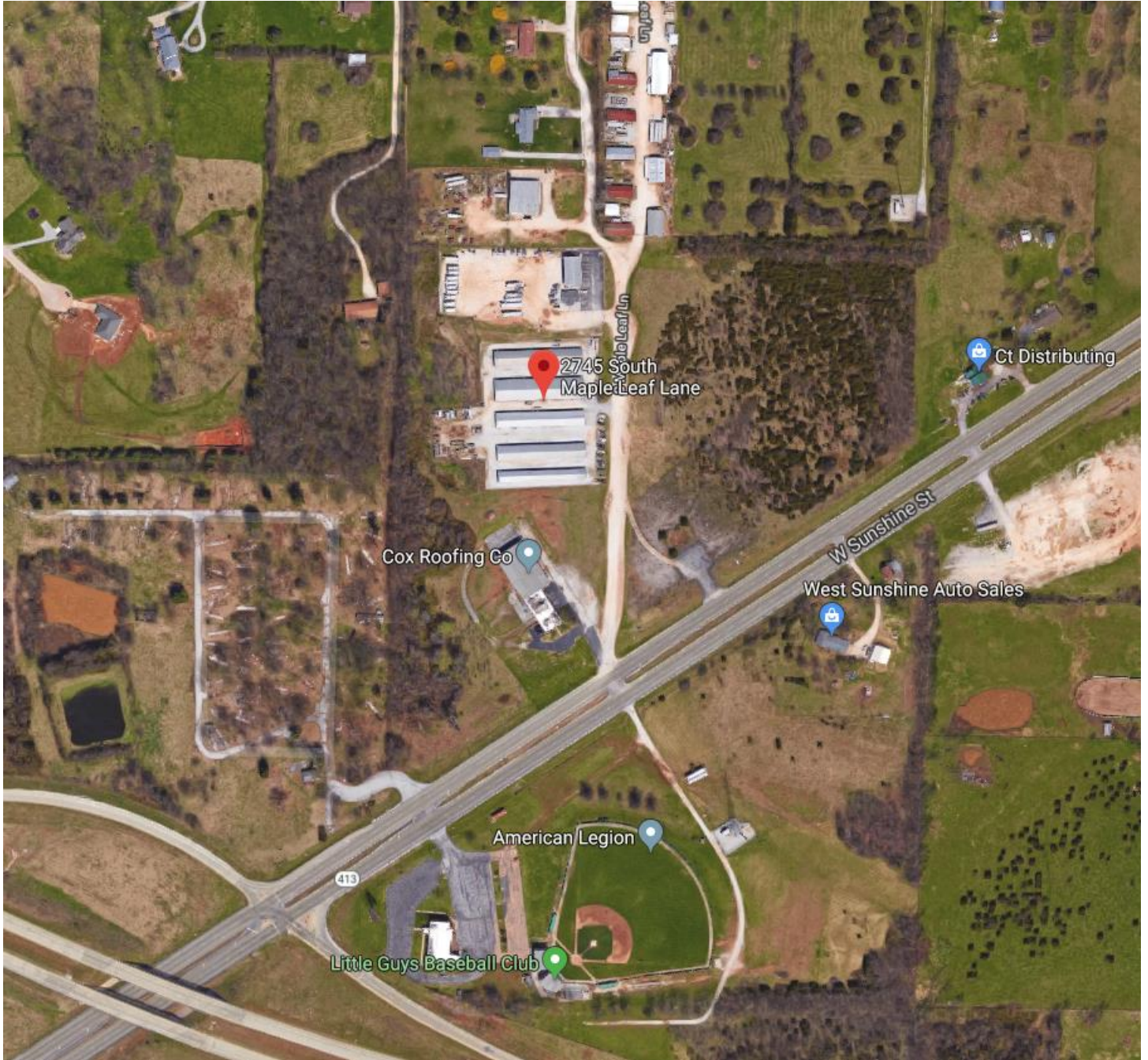
1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse. The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.
2. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	County M-1	GR	HC COD 144	City of Republic Agriculture

LAND USE	Warehouse	Roofing company	Undeveloped land	Single-family residence
-----------------	-----------	-----------------	------------------	-------------------------

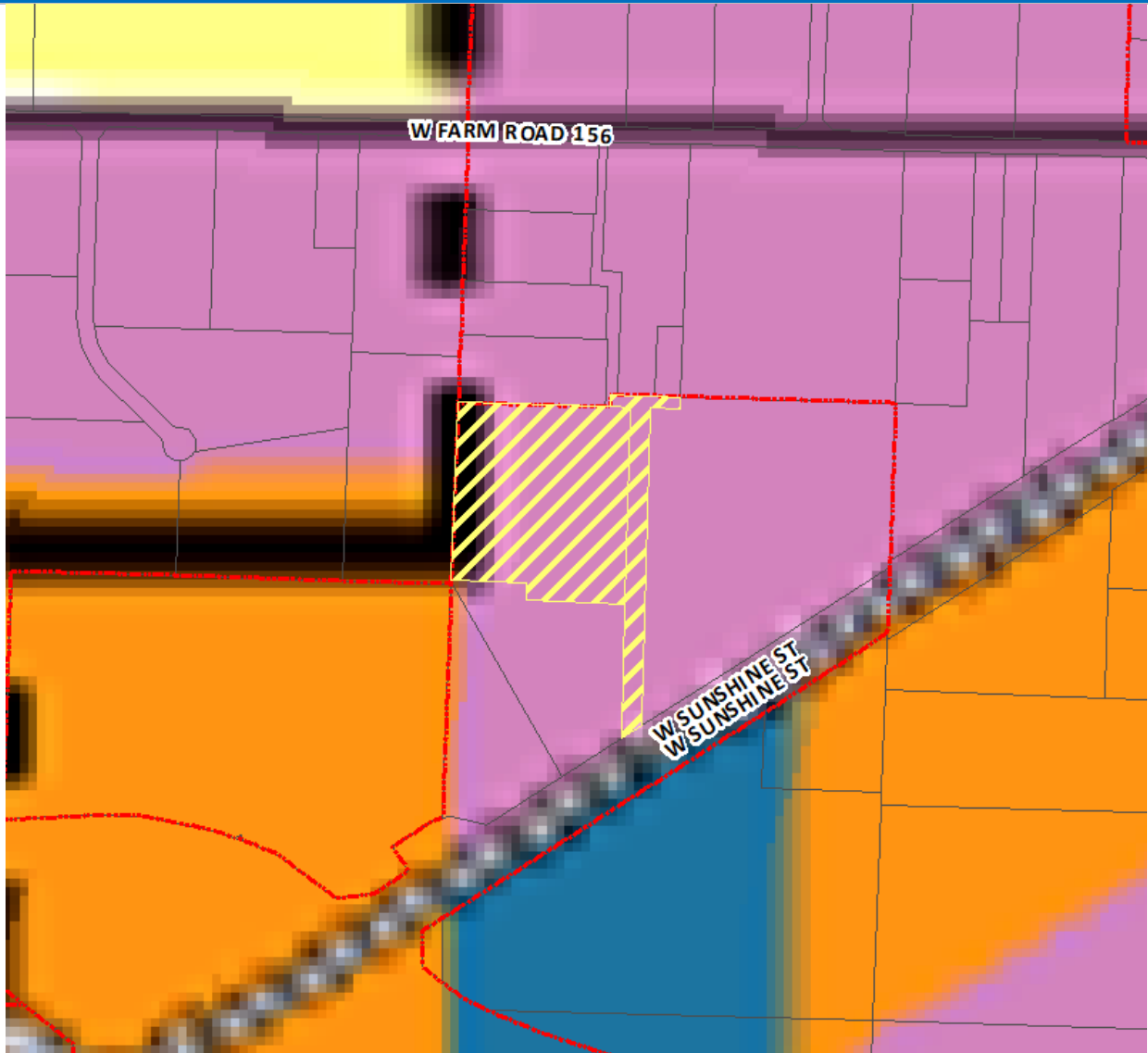
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse

- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area

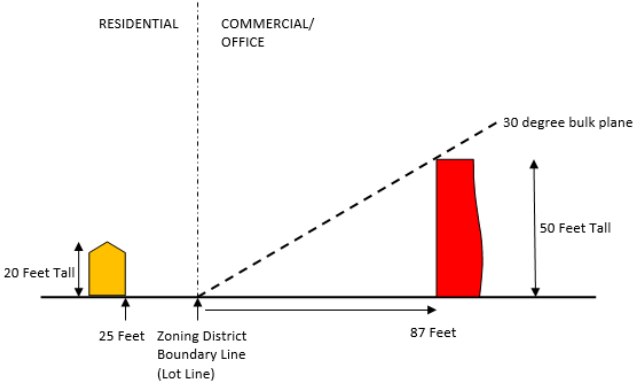
- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

The subject property was annexed along with other property in this area by a City-initiated annexation. The property was zoned from County M-1 to GR, General Retail in August 2005.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR HC
Maximum Structure Height	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts. There are no adjacent R-SF or R-TH districts.
Minimum open space	Not less than 20 percent
Maximum impervious area	Shall not exceed 80 percent of total lot area
BULK PLANE	BUFFERYARD AND LANDSCAPING
All structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.	NA – this property is surrounded by zoning districts that do not require a bufferyard.



The diagram shows a cross-section of a property line. On the left, a yellow house is labeled '20 Feet Tall'. A vertical dashed line represents the 'Zoning District Boundary Line (Lot Line)' at a distance of '25 Feet' from the house. To the right of this line is a red building labeled '50 Feet Tall'. A dashed line, labeled '30 degree bulk plane', starts from the boundary line and extends diagonally to the top of the red building. The horizontal distance from the boundary line to the red building is labeled '87 Feet'.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse.

The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 8.17 acres of property generally located at 2745 South Maple Leaf Lane and 2700 South Maple Leaf Lane (private street) from GR, General Retail to HC, Highway Commercial. The purpose of this rezoning is to facilitate the expansion of an existing self-service storage facility with outdoor storage.

-
3. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this property as appropriate for light industrial, office and office-warehouse. The *West Sunshine/Highway 60 Corridor Study*, completed in 2009, identifies the subject property as part of a Community Activity Center which is recommended to contain shopping, recreation, employment, and institutional services supported by the surrounding community. Examples of uses include a discount department store, supermarket, drug store, home improvement store, large specialty shops, service stations, one or more large places of worship, a community park, mid-size offices, low-to-mid-rise housing (none within the 700 feet of the Sunshine corridor) and high-to-moderate density housing, and perhaps an elementary or middle school. The proposed HC district is consistent with these recommendations.
 4. The HC district is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that the district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. The subject property is located near Sunshine Street which is classified as an Expressway.
 5. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.
 6. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 20, 2019 regarding the rezoning request. A summary of the meeting is attached (Attachment 3)

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet:	Mailed: 11	Returned: 0
--	------------	-------------

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No objection to rezoning.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning however it needs to be noted that public sewer is not available for these properties. No new subdivision or building activity could occur until public sewer is extended on site.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Sunshine Street as an Expressway. The standard right-of-way width for W. Sunshine Street is 65 feet from centerline. It appears additional right-of-way is not needed along W. Sunshine Street. A survey is recommended to determine the exact amount of existing right-of-way. W. Sunshine Street is under MODOT jurisdiction. S. Maple Leaf Lane is a private street.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Sunshine Street east of James River Freeway is 17,913 vehicles per day. On-street parking is not allowed along W. Sunshine Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Sunshine Street. Defer to MODOT for comments regarding access to W. Sunshine Street. Private drive access will need to be improved to meet current MODOT standards.

SIDEWALK

There is not currently sidewalk along the property frontage of W. Sunshine Street. Sidewalk is not required along streets classified as Expressways. Defer to MODOT for final comments regarding sidewalk along W. Sunshine Street.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area pertaining to this rezoning. There are not bus stops along this section of W. Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

None required. A Traffic Impact Study was not required, as the change in zoning did not increase the trip generation in the AM/PM peaks by more than 100 additional trips nor did it exceed the threshold of 1,000 additional trip-ends daily. Defer to MODOT for comments regarding any future plans/improvements for this section of W. Sunshine Street. MODOT states that depending on the intensity of future development, a Traffic Impact Study may be required at the time of development.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	W. Sunshine Street	Expressway	No	83	65
		AM Peak	PM Peak	Weekday	Weekend
	Existing Trips Generated	237.76	995.62	10699.2	N/A
	*Proposed Trips Generated	237.76	995.62	10699.2	N/A
	Additional Trips Generated	0	0	0	N/A

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

MODOT COMMENTS:

A traffic study may be required when this property develops.

STORMWATER COMMENTS:

The property is in the Wilsons Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. A fee in lieu of on-site stormwater detention is not applicable as there is already existing detention on site that will need to be modified when there is future development. The property is not located in a stream buffer area. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. If disturbing more than one acre water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. Water quality will still need to be provided if more than one acre is disturbed.

Public Works Stormwater Division	Response
Drainage Basin	Wilsons Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	No
Is stormwater fee in lieu an option?	NA – existing detention on site

FIRE DEPARTMENT COMMENTS:

No objections to rezoning.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: General Retail to Hwy Commercial
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 3/20/19 4:00pm - 6:30pm
3. Meeting Location: 2745 S. Maple Leaf Lane. Springfield, MO
4. Number of invitations that were sent: 26
5. How the mailing list was generated: City Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 1
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

NA

8. List or attach the written comments and how you plan to address any issues:

NA

I, Todd Wright (print name), attest that the neighborhood meeting was held on 03/20/2019 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Todd Wright
Signature of person completing affidavit

Todd Wright
Printed name of person completing affidavit

ISTOR-IT - 2745 S. Maple Leaf Ln., Springfield, Missouri

4:00 PM - 6:30 PM

E-mail Address

Allen Baumgarner

One-rdg. _____
P. Hrngs. X
Pgs. 25
Filed: 04-30-19

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-111

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning
2 map and rules for interpretation, by rezoning 5 acres of property, generally
3 located at 3303 West Division Street from LI, Light Industrial District to CS,
4 Commercial Service District; establishing Conditional Overlay District No.
5 171; and adopting an updated Official Zoning Map. (Staff and Planning
6 and Zoning Commission recommend approval.)
7 _____
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 generally located at 3303 West Division Street, and more fully described in "Exhibit B"
11 from LI, Light Industrial District to CS, Commercial Service District and to establish
12 Conditional Overlay District No. 171; and
13

14 WHEREAS, Conditional Overlay District No. 171 shall modify the requirements
15 of the Springfield Land Development Code Section 36-423, CS, Commercial Service
16 District, by requiring that the property described in "Exhibit B" comply with the
17 requirements described in "Exhibit A;" and
18

19 WHEREAS, following proper notice, a public hearing was held before the
20 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
21 hearing being attached hereto and incorporated herein by this reference as "Exhibit C,"
22 and said Commission made its recommendation; and
23

24 WHEREAS, the City has reviewed the applicant's request and prepared a staff
25 report concerning the application which is attached hereto and incorporated herein by
26 this reference as "Exhibit D;" and
27

28 WHEREAS, proper notice was given of a public hearing before City Council, and
29 said hearing was held in accordance with law.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:
33

34 Section 1 – The property described in "Exhibit B" of this Ordinance, which is
35 attached hereto and incorporated herein by this reference, is hereby rezoned from LI,
36 Light Industrial District, or such zoning districts as are designated on the official zoning
37 map adopted by City Council, to CS, Commercial Service District and establishing
38 Conditional Overlay District No. 171. The requirements of Conditional Overlay District
39 No. 171, which are described in "Exhibit A," and are hereby incorporated by this
40 reference as if set out verbatim herein, shall apply to the subject property; and the
41 Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for
42 interpretation,' is hereby amended, changed and modified accordingly.
43

44 Section 2 – City Council hereby directs the City Manager, or his designee, to
45 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
46 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
47 for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps
48 and rules of interpretation.'
49

50 Section 3 – The Official Zoning Map herein adopted shall be maintained and
51 archived in the same digital form in which this Council has approved its adoption.
52

53 Section 4 – This Ordinance shall be in full force and effect from and after
54 passage.
55

56 Passed at meeting: _____
57

58 _____
59 Mayor
60

61 Attest: _____, City Clerk
62

63 Filed as Ordinance: _____
64

65
66 Approved as to form: , Assistant City Attorney
67

68
69 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 111

FILED: 04-30-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: AMENDING the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation, by rezoning 5 acres of property, generally located at 3303 West Division Street from LI, Light Industrial District to CS, Commercial Service District; establishing Conditional Overlay District No. 171; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-10-2019/ CONDITIONAL OVERLAY DISTRICT NO. 171

The applicant is proposing to rezone approximately 5 acres of property from LI, Light Industrial District to CS, Commercial Service District and establishing Conditional Overlay District No. 171. The applicant is proposing to develop the site into a recreational vehicle park.

The subject property is currently zoned LI, Light Industrial District which allows any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products and business and sales offices accessory thereto. All activities and permitted uses in the LI District, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings. By rezoning, the applicant will forgo this permitted use for the CS uses.

The following uses are permitted by right in the proposed CS, Commercial Service District and are not permitted by right in the current LI, Light Industrial District zoning:

1. Ambulance services.
2. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
3. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
4. Awning and canvas sales and rental.
5. Bus stations.
6. Campgrounds and recreational vehicle parks.
7. Carpenter and cabinet shops.
8. Catering businesses.
9. Commercial laundry and dry-cleaning establishments.
10. Eating and drinking establishments.

11. Feed stores.
12. Frozen food lockers, for use by the public.
13. General or medical office/retail sales/warehouse combinations, provided however, that if more than 85 percent of the gross building floor area for each establishment is used for warehouse purposes, a use permit shall be required.
14. Glass and mirror sales.
15. Linen, towel, and diaper services.
16. Manufactured housing (mobile home) and trailer sales, leasing, service and storage.
17. Medical office use group.
18. Monument sales.
19. Newspaper and magazine distribution agencies.
20. Nurseries, greenhouses and garden stores.
21. Personal service use group.
22. Private clubs and lodges.
23. Retail sales use group.
24. Repair shops, home appliance.
25. Repair shops, small-engine.
26. Taxi dispatch yards and offices.
27. Temporary vendors as permitted by section 36-452, temporary uses.
28. Truck stops.

REMARKS:

The Planning and Zoning Commission held a public hearing on April 11, 2019, and recommended to approve the proposed Conditional Overlay District No. 171, by a vote of 7 to 0.

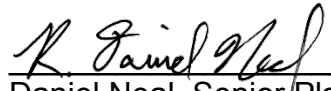
The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is currently zoned LI, Light Industrial District and adjacent to Industrial districts on three sides. This property is also located along Division Street which is classified as a primary arterial roadway in the Major Thoroughfare Plan.
2. The requested CS zoning is appropriate for the area since it is intended for business uses which provide essential commercial services and support activities, but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. The subject property is located along Division Street, a primary arterial roadway and is less than 500 feet from the intersection of Division Street and West Bypass which are arterial and expressway roadways.

3. The proposed COD will require the dedication of additional right-of-way, the dedication of a stream buffer easement, sidewalk along O'Hara and a Traffic Impact Study if developed beyond specific thresholds.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

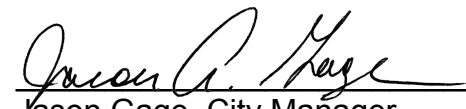
Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit A, Conditional Overlay District Provisions

Exhibit B, Legal Description

Exhibit C, Record of Proceedings

Exhibit D, Development Review Staff Report

ATTACHMENTS:

Attachment 1: Department Comments

Attachment 2: Conditional Overlay District Provisions

Attachment 3: Neighborhood Meeting Summary & Correspondence

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171

The requirements of *Section 36-423* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A Traffic Impact Study is required to be submitted at the time of development or such time that the proposed development exceeds the thresholds of an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds.
2. Approximately 24 feet of additional right-of-way needs to be dedicated along the property frontage of Division. Approximately 7 feet of additional right-of-way needs to be acquired along O'Hara Avenue. A request for reduction in right-of-way may be submitted through ARC as prescribed in the Subdivision Regulations. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be acquired at the corner of Division and O'Hara. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street and N. O'Hara Avenue are both City-maintained streets.
3. Sidewalk is required along the entire length of the property frontage on N. O'Hara Avenue, or a fee paid in-lieu-of sidewalk construction, which must first be approved by ARC and fees paid, prior to issuance of a building permit.
4. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form.

Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171

ALL OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION NINE (9), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), IN GREENE COUNTY, MISSOURI.

Exhibit C

**RECORD OF PROCEEDINGS
ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171
Planning and Zoning Commission April 11, 2019**

Z-10-2019 w/COD #171
3303 West Division Street
Applicant: Jet View, LLC

Mr. Hosmer states that this is a request to rezone approximately 5 acres of property generally located at 3303 West Division Street from a LI, Light Industrial District to a CS, Commercial Service District and establishing Conditional Overlay District No. 171. The applicant is proposing to develop the site into a recreational vehicle park. The Comprehensive Plan identifies the property as appropriate for Low-Density Housing land uses, however, this property is currently zoned LI, Light Industrial District and adjacent to Industrial/Manufacturing districts on three sides. The Major Thoroughfare Plan classifies Division Street as a primary arterial roadway and O'Hara as a Local Roadway. A Traffic Impact Study will be required at the time of development. A fee in lieu of on-site stormwater detention will not be allowed, and detention will be required. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. The normal bufferyard required between CS and R-TH zoning would be a Bufferyard "Type F" at least twenty (20) feet wide. Perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. A 30-degree bulk plane is required adjacent to R-TH zoning.

The Conditional Overlay District will require:

- A traffic impact study at the time of development.
- Dedication of additional right-of-way.
- Dedication of a stream buffer easement.
- A sidewalk along O'Hara Avenue.

Staff recommends approval.

Mr. Doennig opened the public hearing.

Mr. Aaron Wiley Loyd, 1340 W. Normal Street, representing the agent and this was a donation to the Gathering Tree, a non-profit organization and here to answer any questions.

Mr. Nate Schlueter, 2400 E. Latoka Street, chief operating officer for Eden Village. This property was donated, and its use will be for 100% disabled and chronic homeless. He also acknowledges that people do not want this type of development in their back yard, however there is a need and will have 4 to 5 more developments like the proposed in Springfield over the next several years. He also asked for people who are in favor of this development to please stand (a majority of the full room stood).

Mr. Bryan Smith, 2320 West Deer Trail, Nixa, MO operations/manager of the metal recycling and representing several addresses on West Division. He stated that this type of development is not in the location and read GM and HM ordinances and commented on the noise, dust, and traffic around the businesses.

Mr. Aaron Greer, 3244 W. Division Street, owns a business on W. Division and believes that this type of development will not work for the area due to big trucks, unloading equipment, and the noise and dust, etc. He also stated that this may reduce his property value due to businesses possibly relocating if not staying Heavy Manufacturing and if any legal ramifications on their rights to run their businesses.

Mr. Steve Hodges, 1527 N. Western Avenue, has concerns about the pedestrian traffic and that there is no grocery store located close to the proposed development and believes this may cause more foot traffic on Division Street.

Mr. Bob Hopkins, 3304 W. Division Street, owns the sand-blasting business across from the proposed development and has been there for 45 years. He stated that noise and dust is not a good place for this type of development and voiced his concerns that businesses may leave this location area if problems arise to the noise, dust, etc. He also stated that water drains from his property and has concerns about stormwater runoff and believes this type of development may reduce his property values.

Mr. Coltrin asked about any complaints from the neighbors across the street.

Mr. Hopkins said that there has been no complaints or concerns.

Ms. Dolores Demore, 409 S. York Avenue, owns a business and property in the proposed area and has concerns with the increased traffic and crime/vandalism and noted that grocery stores are not located close by.

Mr. David Doolittle, 1555 N. O'Hara Avenue is concerned about land values and crime problems and stated that it is loud and dusty in the location.

Mr. Doennig asked about living in that area.

Mr. Doolittle said that they have been there their whole life and have had problems with fencing being cut (had cattle on the land).

Mr. Robert Hopkins, Jr., 3304 W. Division Street, stated that it is a non-conforming use for Heavy Manufacturing and has been at this address for 46 years. He stated his concerns were noise, dust, flooding, crime, and homeless people and noted that the property north (N. Nixon Avenue) is trying to rezone area for buffer from Heavy Manufacturing.

Mr. Doennig closed the public hearing.

Ms. Cox asked if the Commission is looking at a (temporary) RV Park and that it is flanked by Highway Commercial and Heavy Manufacturing and believes it is an awkward step-down in zoning.

Mr. Hosmer noted that we are not looking at end uses and is stepping down from Light Industrial to Commercial Services.

Mr. Coltrin asked the law department if there is a rise in the complaints and if there is a safety for current businesses from being forced out.

Mr. Doennig stated that if they are operating within the applicable noise and light standards they should not have concerns regarding any complaints.

Mr. Jobe commented about the jurisdiction of the Planning and Zoning and its limits to the examination of the intended use as proposed to a specific development. He also asked if from Planning's standpoint, is it common to have a Commercial Service zone abut to a Heavy Manufacturing zone.

Mr. Hosmer stated that this is not a perfect situation, but it does act as a stepdown (transition).

Mr. Doennig asked when the R-TH was zoned.

Mr. Hosmer believes it was in 1995.

Mr. Doennig asked about the number of complaints regarding noise, odor, etc. in that area.

Mr. Hosmer said he is not aware of any complaints.

Mr. Doennig also asked about stormwater/detention and noted that the owner is planning on cleaning up the stream buffer.

Ms. Julie Hawkins stated they are required to build a detention and if they disturb more than an acre then they must provide water quality and they will have to have a 50-foot stream buffer on each side of the stream.

Ms. Broekhoven made a statement about Commission making recommendations to City Council and feels that both sides made compelling statements, however as a Commissioner they are to only look at what the property to be zoned and not its end use and Commercial Services is an agreeable step-down and will be voting in favor.

Mr. Coltrin asked if the chief operating office can come back to the podium and asked if he understands the neighborhood he is moving into (industrial area with noise, dust, etc.).

Mr. Nate Schlueter, 2400 E. Latoka Street, chief operating officer for Eden Village said that they do understand what type of neighborhood they are moving into and believes that his residents will be great neighbors. He stated that he believes that people who have been homeless and sleeping under bridges will not have any problems with the neighborhood.

COMMISSION ACTION:

Ms. Cox motioned to approve consent items Z-10-2019 w/COD #171 (3303 West Division Street). Ms. Broekhoven seconded the motion. Ayes: Doennig, Coltrin, Shuler, Broekhoven, Ogilvy, Cox, and Jobe. Nays: None. Abstain: None. Absent: Rose and Thomas.



Bob Hosmer, AICP
Principal Planner

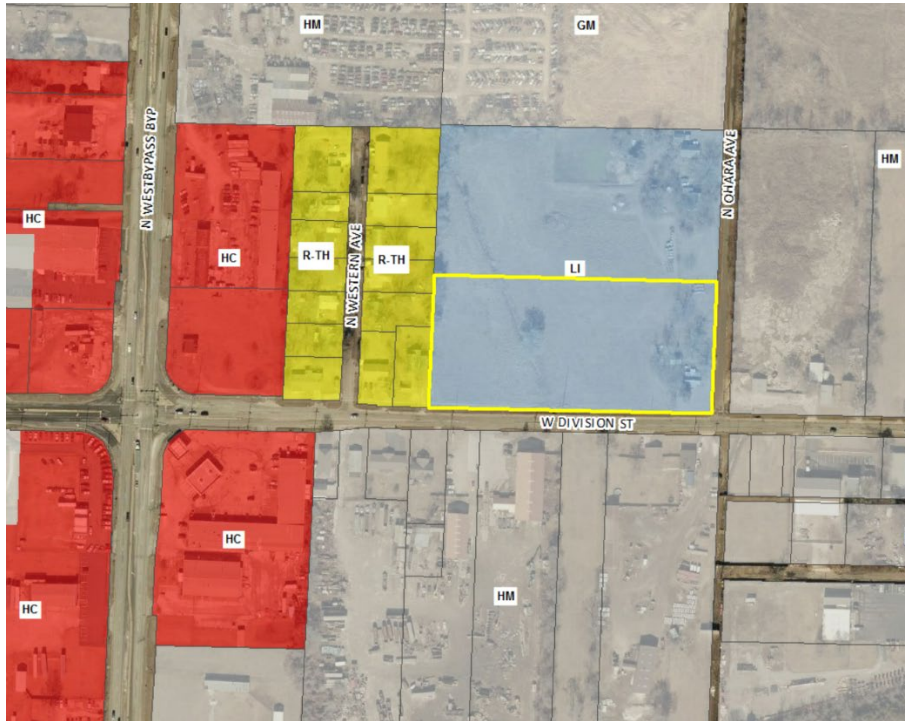
Exhibit D

PLANNING AND ZONING COMMISSION PUBLIC HEARING:

APRIL 11, 2019

CITY COUNCIL PUBLIC HEARING:

MAY 6, 2019



CASE NUMBER:

Z-10-2019 w/ Conditional Overlay District No. 171

LOCATION: 3303 W. Division Street

ACRES: 5 acres

EXISTING LAND USE:
Undeveloped/vacant land

APPLICANT:
Jet View, LLC

STAFF:
Daniel Neal, 417-864-1036

STAFF RECOMMENDATIONS:
Approve w/Conditions

PROPOSED MOTION:
Move to approve Z-10-2019 w/ COD No. 171 as submitted.

SUMMARY OF REQUEST:

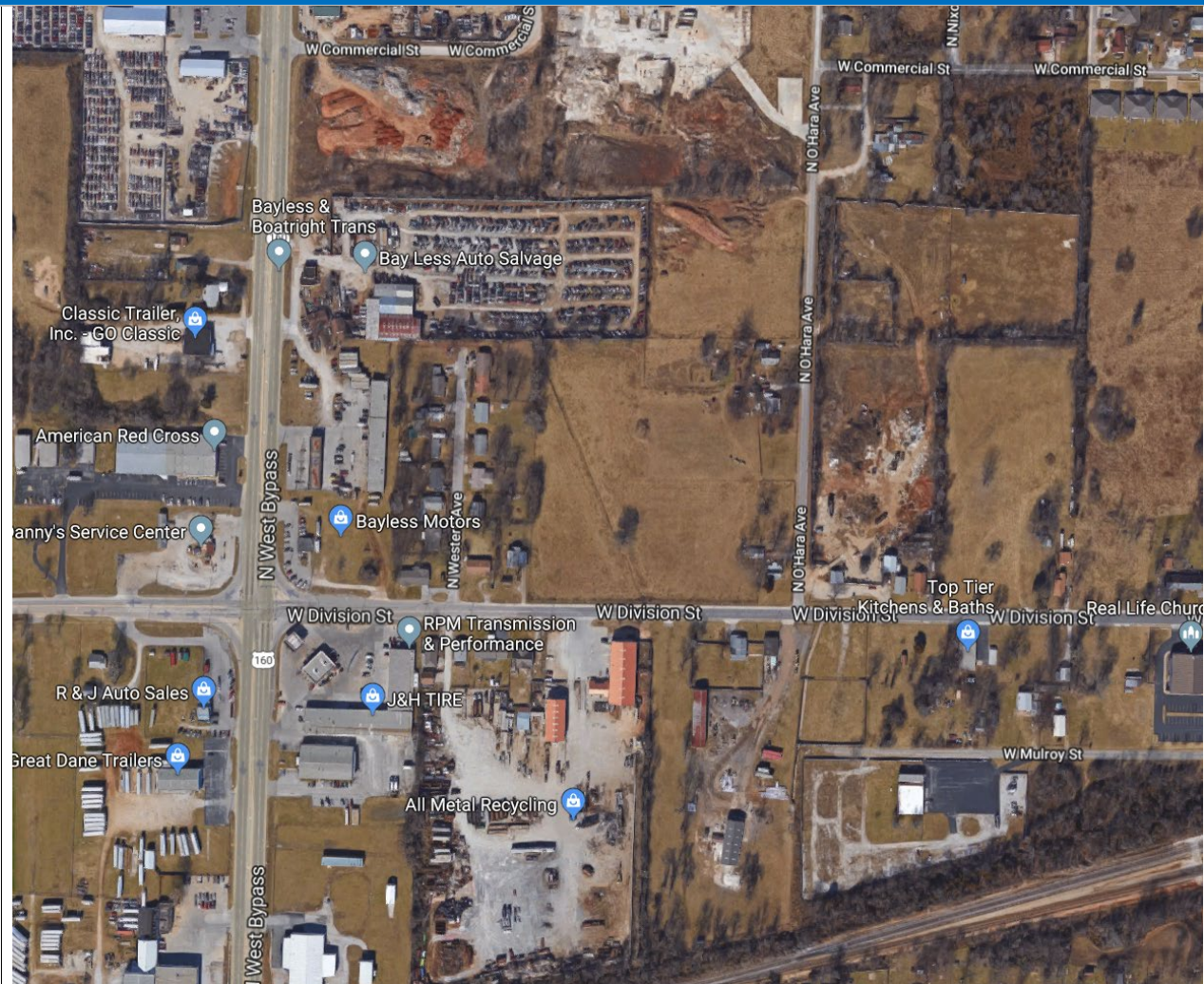
Request to rezone approximately 5 acres of property from LI, Light Industrial District to CS, Commercial Service District and establishing Conditional Overlay District No. 171.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is currently zoned LI, Light Industrial District and adjacent to Industrial districts on three sides. This property is also located along Division Street which is classified as a primary arterial roadway in the Major Thoroughfare Plan.
2. The requested CS zoning is appropriate for the area since it is intended for business uses which provide essential commercial services and support activities, but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. The subject property is located along Division Street, a primary arterial roadway and is less than 500 feet from the intersection of Division Street and West Bypass which are arterial and expressway roadways.
3. The proposed COD will require the dedication of additional right-of-way, the dedication of a stream buffer easement, sidewalk along O'Hara and a Traffic Impact Study if developed beyond specific thresholds.
4. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

SURROUNDING ZONING AND LAND USES:				
	NORTH	SOUTH	EAST	WEST
ZONING	LI	HM	HM	R-TH
LAND USE	Single-family residence and vacant/undeveloped land	Heavy Manufacturing uses	Heavy manufacturing uses	Single-family residences

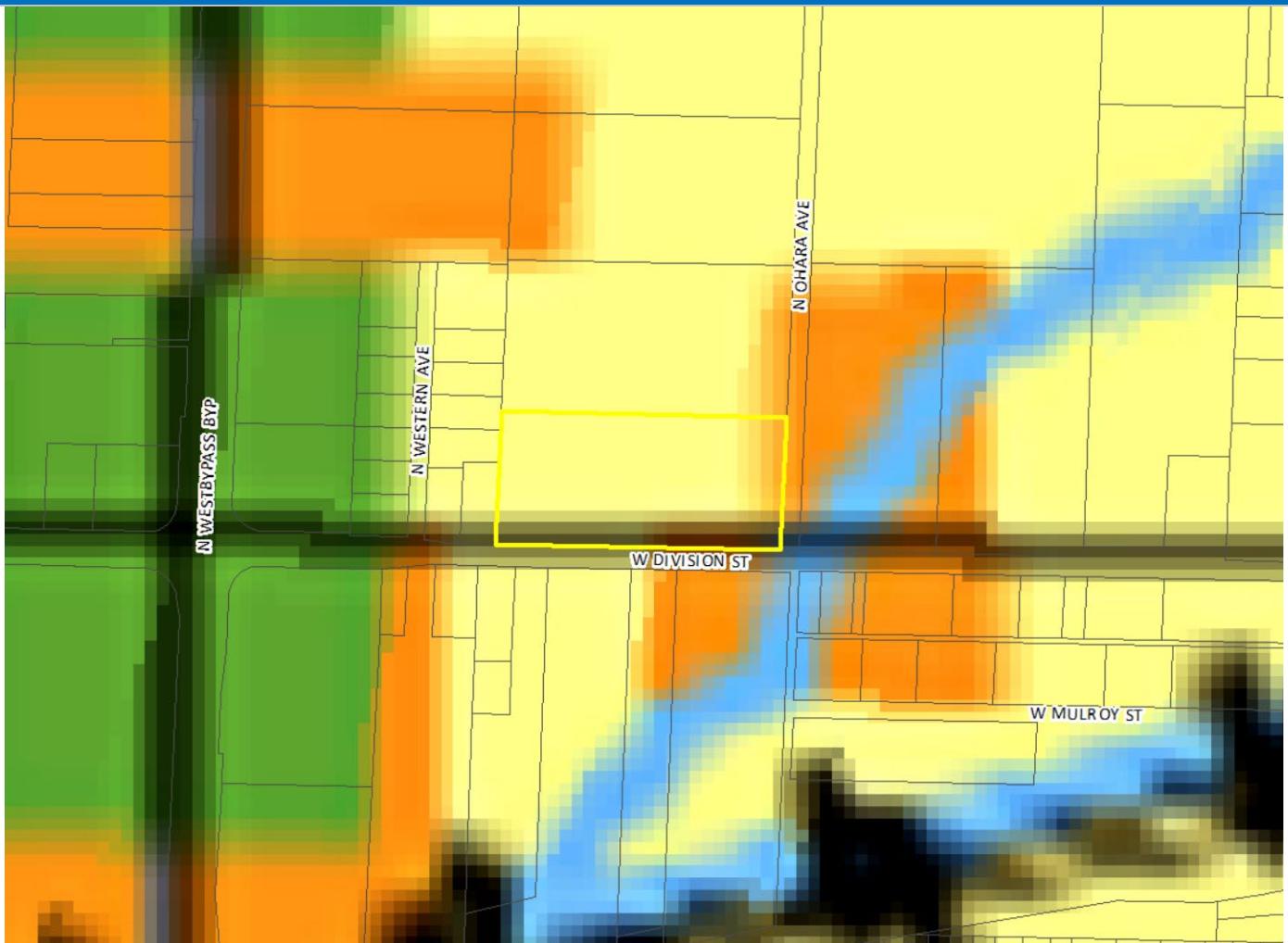
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



GOOGLE MAPS STREET VIEW:



GROWTH MANAGEMENT AND LAND USE PLAN:



- Low-Density Housing
- Medium or High Density Housing
- Medium Intensity Retail, Office or Housing
- High Intensity Retail, Office or Housing
- Greater Downtown
- Business Park
- Light Industrial, Office and Office-Warehouse

- General Industry, Transportation and Utilities
- Park
- School
- Golf
- Community-Public
- Urban Reserve Area
- Rural Area

- Greenway
- Parkway
- City Boundary
- Urban Service Area Boundary, Year 2020
- Urban Reserve Boundary, Year 2040

PROPERTY HISTORY:

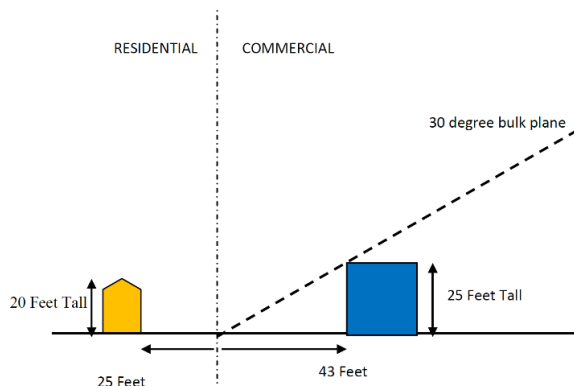
The subject property is currently zoned LI, Light Industrial District and has been since the Citywide remapping in 1995.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GR
Use Limitations	(a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district. (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface. (c) No vibration, glare, or heat shall be detectable at the district boundary line. (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22). (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
Maximum Structure Height	None, except that no building shall be higher than a 30-degree bulk plane adjacent to R-SF or R-TH Districts
Front Yard Setback	Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations
Side and Rear Setbacks	None, except as required by the supplemental open space and bufferyard requirements
Open Space Requirement	20%
Design Requirements	Standard per code

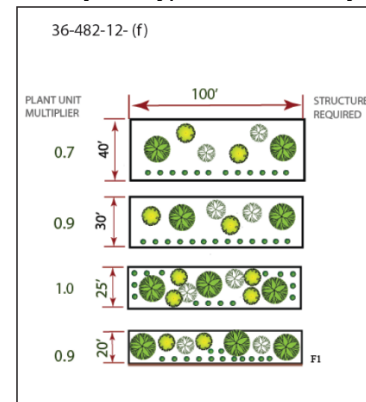
BULK PLANE

30-degree bulk plane is required adjacent to R-TH zoning.



BUFFERYARD AND LANDSCAPING

Bufferyard Type "F" when adjacent to R-TH



COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the subject property as appropriate for Low-Density Housing land uses, however, this property is currently zoned LI, Light Industrial District, adjacent to Industrial districts on three sides and located along Division Street which is classified as a primary arterial on the Major Thoroughfare Plan.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* states that protection of our existing residential neighborhoods is a prime concern. It is important to ensure that new land uses are not detrimental to residential areas and to recognize the vulnerability of residential areas to certain adverse impacts. This objective does not mean that non-residential land uses are automatically inappropriate in residential areas; it means that design and location criteria must take into account the existing residential areas. Mixed land uses, as well as mixed residential densities, will need to be accommodated in the future. These must be accommodated with sensitivity to existing residential neighborhoods. The plan encourages mixed use. However, where commercial areas are concentrated they should be sited and designed to have a minimal effect on adjacent lower-intensity development and the environment.

The *Growth Management and Land Use Plan* of the *Comprehensive Plan* also states that new development should be compatible with existing development in terms of scale, materials, rooflines, setbacks and open space. Landscaped transitions should be used between sharply differing types of land use. Encourage the effective use of location, design and landscaping of commercial uses to screen and buffer neighborhoods from lights, signs, traffic noise and pollution, and other factors incompatible or conflicting with adjacent land uses. These practices will help ensure the integrity and function of the road system, reduce the length and frequency of auto trips, minimize impact on residential areas and contribute to the overall attractiveness of the community.

STAFF COMMENTS:

1. The applicant is proposing to rezone approximately 5 acres of property from LI, Light Industrial District to CS, Commercial Service District and establishing Conditional Overlay District No. 171. The applicant is proposing to develop the site into a recreational vehicle park.
2. The subject property is appropriate for CS zoning which is intended for business uses which provide essential commercial services and support activities, but which do not necessarily require high visibility. This district is intended to function as a transition between industrial development and commercial development. The subject property is located along Division Street, a primary arterial roadway and is less than 500 feet from the intersection of Division Street and West Bypass which are arterial and expressway roadways.
3. The subject property is currently zoned LI, Light Industrial District which allows any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products and business and sales offices accessory thereto. All activities and permitted uses in the LI District, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings. By rezoning, the applicant will forgo this permitted use for the CS uses.
4. The following uses are permitted by right in the proposed CS, Commercial Service District and are not permitted by right in the current LI, Light Industrial District zoning:
 - a. Ambulance services.
 - b. Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - c. Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
 - d. Awning and canvas sales and rental.
 - e. Bus stations.
 - f. Campgrounds and recreational vehicle parks.
 - g. Carpenter and cabinet shops.
 - h. Catering businesses.

-
- i. Commercial laundry and dry cleaning establishments.
 - j. Eating and drinking establishments.
 - k. Feed stores.
 - l. Frozen food lockers, for use by the general public.
 - m. General or medical office/retail sales/warehouse combinations, provided however, that if more than 85 percent of the gross building floor area for each establishment is used for warehouse purposes, a use permit shall be required.
 - n. Glass and mirror sales.
 - o. Linen, towel, and diaper services.
 - p. Manufactured housing (mobile home) and trailer sales, leasing, service and storage.
 - q. Medical office use group.
 - r. Monument sales.
 - s. Newspaper and magazine distribution agencies.
 - t. Nurseries, greenhouses and garden stores.
 - u. Personal service use group.
 - v. Private clubs and lodges.
 - w. Retail sales use group.
 - x. Repair shops, home appliance.
 - y. Repair shops, small-engine.
 - z. Taxi dispatch yards and offices.
 - aa. Temporary vendors as permitted by section 36-452, temporary uses.
 - bb. Truck stops.
5. The Conditional Overlay District will require a traffic impact study at the time of development if specific thresholds are surpassed, dedication of additional right-of-way, dedication of a stream buffer easement, and sidewalk along O'Hara. Staff believes the proposed COD requirements will mitigate the negative impacts to the surrounding property owners that a standard CS zoning could cause.
6. Based on the change in zoning from Light Industrial to Commercial Service, an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily is anticipated to be generated by this property. For this reason, a Traffic Impact Study (TIS) is required as a part of this rezoning. However, this TIS may be deferred until the time of development, or such time that the proposed development exceeds the aforementioned thresholds. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds. The City does not currently have plans to make improvements to this section of Division Street or O'Hara Avenue.
7. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form.
8. The development of the property will require a bufferyard along the west property line adjacent to the R-TH, Residential Townhouse zoning district. The normal bufferyard required between CS and R-TH zoning would be a Bufferyard "Type F" at least twenty (20) feet wide. For each one-hundred (100) linear feet of bufferyard, there must be three (3) canopy trees, three (3) understory trees, four (4) evergreen trees and twenty (20) shrubs with a six-foot solid wood fence or solid masonry/brick wall, or six-foot solid evergreen hedge.
9. Perimeter landscaping is required if a parking lot is within 50 feet of the right-of-way and there is no intervening building. This can vary in size according to the parking lot layout such as landscaped parking island being within 30 feet of the street and varied widths of landscaping strips. Non-residential parking is not permitted on the proposed CS property within 25 feet of Division Street and 100 feet east of the R-TH zoned property.
10. A recreational vehicle or recreational vehicle park is not defined by the Zoning Ordinance. The dictionary definition of a recreational vehicle is a vehicle designed for recreational use (as in camping). City Code Chapter 106 defines a vehicle as every device in, upon, or by which any person or property is or may be transported or

drawn upon a roadway, which requires a valid operator's license and which has a Manufacturer's Certificate of Origin (MSO), except devices moved by human power, devices used exclusively upon stationary rails or tracks, or any motorized play vehicle or motorized skateboard.

11. This request is consistent with the City's policies to promote infill development and increased intensity where investments have already been made in public services and infrastructure.

12. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on March 19, 2019, regarding the request for rezoning. A summary of this meeting is attached (Attachment 2).

PUBLIC NOTIFICATION:

The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

Notices sent to property owners within 185 feet:	Mailed: 16	Returned: 0
--	------------	-------------

DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES COMMENTS:

No objection to rezoning.

CLEAN WATER SERVICES COMMENTS:

No objection to rezoning.

FIRE DEPARTMENT COMMENTS:

No comments.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

City's Transportation Plan classifies W. Division Street as a Primary Arterial roadway and N. O'Hara Avenue as a Local roadway. The standard right-of-way widths for W. Division Street and N. O'Hara Avenue are 50 feet from centerline and 25 feet from centerline, respectively. It appears approximately 24 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on W. Division Street and 7 feet of additional right-of-way needs to be acquired along the entire length of the property frontage on N. O'Hara Avenue. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be acquired at the corner of Division and O'Hara. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street and N. O'Hara Avenue are both City-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count on W. Division Street east of West Bypass is 7,456 vehicles per day. There are no recent traffic counts for this section of N. O'Hara Avenue. On-street parking is not allowed along W. Division Street.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from N. O'Hara Avenue. Any new driveway accesses to/from the property on Division or O'Hara must meet the minimum spacing requirements from each other and from nearby intersections (200 feet on Division/150 feet on O'Hara).

SIDEWALK

There is existing sidewalk along the property frontage of W. Division Street. The existing infrastructure meets current City Standards. There is not currently sidewalk along the property frontage of N. O'Hara Avenue. Sidewalk is required to be constructed along the entire length of the property frontage on N. O'Hara Avenue, or a fee paid in-lieu-of sidewalk construction, which must first be approved by ARC and fees paid, prior to issuance of a building permit.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

The Frisco Highline Trail is a few blocks to the northwest of the property pertaining to this rezoning. There are bus stops along W. Division Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

IMPROVEMENTS

Based on the change in zoning from Light Industrial to Commercial Service, an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily is anticipated to be generated by this property. For this reason, a Traffic Impact Study (TIS) is required as a part of this rezoning. However, this TIS may be deferred until the time of development, or such time that the proposed development exceeds the aforementioned thresholds. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds. The City does not currently have plans to make improvements to this section of Division Street or O'Hara Avenue.

TRAFFIC - TABLE 1: REZONING DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW From Centerline (ft)	Required Street ROW From Centerline (ft)
Street 1	W. Division Street	Primary Arterial	No	26	50
Street 2	O'Hara Avenue	Local	Yes	18	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		35	35	260	N/A
*Proposed Trips Generated		80	335	3600	N/A
Additional Trips Generated		45	300	3340	N/A

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

STORMWATER COMMENTS:

The property is in the Upper Wilsons Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. A fee in lieu of on-site stormwater detention will not be allowed and detention will be required. The property is located in a stream buffer area which requires 50 feet on each side. Since the project will be disturbing more than one (1) acre there will be a land disturbance permit required.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. If disturbing more than one acre water quality will also have to be provided.
3. Drainage easements must be provided for this conveyance.
4. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.
5. Water quality will still need to be provided if more than one acre is disturbed.
6. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form. The stream buffer may qualify as a natural area conservation credit for the WQ Requirement if meeting Chapter 10 Section 3.1.1.

-
7. Stormwater discharge points of concentrated flow shall be located upland from Streamside and Outer Zones unless infeasible per Chapter 8 Section 4.1.7.
 8. The area currently disturbed as a fill site and proposed as a landscaped feature may qualify as a natural area restoration credit or for tree planting credits for the WQ Requirement if meeting Chapter 10 Section 3.1.2 or 3.1.3. Consider the use of native species for plantings.

Public Works Stormwater Division	Response
Drainage Basin	Upper Wilsons Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is property located in a stream buffer?	Yes
Is stormwater fee in lieu an option?	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONAL OVERLAY DISTRICT PROVISIONS ZONING CASE Z-10-2019 & CONDITIONAL OVERLAY DISTRICT NO. 171

The requirements of *Section 36-423* of the *Springfield Zoning Ordinance* shall be modified herein for development within this district to include the following.

1. A Traffic Impact Study is required to be submitted at the time of development or such time that the proposed development exceeds the thresholds of an increase in trip generation of more than 100 trips in the PM peak and more than 1,000 trips daily. If the proposed development does not exceed those thresholds, a TIS can be deferred until such time that further cumulative development *does* exceed those thresholds.
 2. Approximately 24 feet of additional right-of-way needs to be dedicated along the property frontage of Division. Approximately 7 feet of additional right-of-way needs to be acquired along O'Hara Avenue. A request for reduction in right-of-way may be submitted through ARC as prescribed in the Subdivision Regulations. In addition, a 30-foot by 30-foot right-of-way sight triangle needs to be acquired at the corner of Division and O'Hara. A survey is recommended to determine the exact amount of existing right-of-way. W. Division Street and N. O'Hara Avenue are both City-maintained streets.
 3. Sidewalk is required along the entire length of the property frontage on N. O'Hara Avenue, or a fee paid in-lieu-of sidewalk construction, which must first be approved by ARC and fees paid, prior to issuance of a building permit.
 4. A stream buffer of 50 ft on each side of the stream measured from top of bank is required. It appears the plan is to preserve the full stream buffer but if any encroachment is proposed, a no feasibility analysis will be required per Chapter 8 Section 4.1.13. A stream buffer easement will be required using the City's stream buffer easement form.
-
-

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Light Industrial (LI) to Commercial Services (CS)
(existing zoning) (proposed zoning)
2. Meeting Date & Time: March 19th, 2019 4:00 - 6:30 p.m.
3. Meeting Location: Real Life Church @ 3104 W Division Street
4. Number of invitations that were sent: 69
5. How the mailing list was generated: City of Springfield Staff
6. Number of neighbors in attendance (attach a sign-in sheet): 14

7. List the verbal comments and how you plan to address any issues:

(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

All verbal comments were related to potential storm water issues upon development. No issues related to re zoning. We agreed to clean out stream and comply with all stormwater issues or requirements upon development of property after rezoning.

8. List or attach the written comments and how you plan to address any issues:

N/A

I, Aaron Wiley Loyd (print name), attest that the neighborhood meeting was held on 3/19/2019 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Aaron Wiley Loyd
Signature of person completing affidavit

Aaron Wiley Loyd
Printed name of person completing affidavit

Neighborhood Meeting regarding 3303 W. Division Street

March 19th, 2019

[illegible]



To Whom It May Concern,

Please approve the rezoning of Z-10-2019 COD #171 (3303 W. Division Street) from Light Industrial (LI) to Commercial Services (CS). Your vote of approval to rezone will allow the property owner, Jet View LLC, to donate the above property to The Gathering Tree, INC, a Missouri 501(c)(3) nonprofit corporation to build a second Eden Village RV Park Community.

Eden Village, at 2801 E. Division, is a first-of-its-kind community that houses 32 disabled people, that were chronically homeless, in a safe gated community in Springfield. Eden Village has revolutionized the fight against homelessness by providing a permanent solution and putting Springfield at the forefront of the battle to end homelessness by creating a simple and cost-effective model that is easily replicated for communities across the country. We believe that Eden Village has been life changing not only for the formerly homeless but also for the volunteers that have contributed their time and resources to partner with this community. It is estimated that 200 people sleep on the streets of our beautiful but broken city every night.

We believe that the Eden Village model effectively ends homelessness for our fellow citizens sleeping on the streets. Rezoning the property identified will have positive impact on the entire city of Springfield by allowing us to create a second community. We look forward to a day when Springfield becomes the first city in America where **No One Sleeps Outside**. Thank you for voting to approve the rezoning for the citizens you represent and the Springfield community at large.

Dr. David and Linda Brown
Founders, The Gathering Tree
& Eden Village

John Cooper
Principal-- Jet View LLC
CEO Harry Cooper Supply
Company

John Moore
Retired President, Drury
University
Board Member, Eden Village

Debra Shantz Hart
Principal-- Housing Plus, LLC

Jim O'Neal

Steve Helms
State Representative 135th
District

Greg Burris
Executive in
Residence Executive Director,
Give 5 United Way of the
Ozarks

Russ Marquart
President/CEO
Central Bank of the Ozarks

Charlie O'Reilly
Retired, O'Reilly Auto Parts

Bishop Edward Rice
Springfield Cape Girardeau
Diocese

CJ Davis
President and CEO
Burrell Behavioral Health

Dr. Kenneth Brown
Missouri State University
Professor and Head, Economics
Department
Board Member, Eden Village

Debora S. Biggs
Executive Director NAMI
Southwest Missouri

Michelle Garand
Vice President
Affordable Housing and
Homeless Prevention

Annie Busch

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 04-30-19

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-097

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the Springfield Police Department for Fiscal Year 2018-
2 2019 by appropriating \$1,100,000 in sales and use tax revenue received
3 during the current Fiscal Year, for the purpose of funding the housing of
4 City prisoners pursuant to an agreement with Vernon County, Missouri.
5 _____
6

7 WHEREAS, during the current Fiscal Year, the City has realized sales and use
8 tax revenues in excess of budget totaling more than \$1,100,000; and
9

10 WHEREAS, City Council desires to amend the Fiscal Year 2018-2019 budget to
11 add \$1,100,000 of said additional sales and use tax revenue for use in connection with
12 a contract for housing City inmates with Vernon County, Missouri; and
13

14 WHEREAS, it is anticipated the additional \$1,100,000 will provide sufficient funds
15 to cover the remaining costs of housing City inmates for the remainder of Fiscal Year
16 2018-2019 and for Fiscal Year 2019-2020.
17

18 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
19 SPRINGFIELD, MISSOURI, as follows, that:
20

21 Section 1 – The budget of the City of Springfield, Missouri, for Fiscal Year 2018-
22 2019 is hereby amended in the accounts and in the amounts as shown on Budget
23 Adjustment No. 0029, a copy of which is attached hereto and incorporated herein by
24 this reference as “Exhibit A.”
25

26 Section 2 – City Council hereby directs the City Manager to cause the
27 appropriate accounting entries to be made in the books and records of the City.
28

29 Section 3 – This Ordinance shall be in full force and effect from and after
30 passage.
31

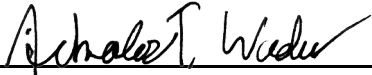
32 Passed at meeting: _____
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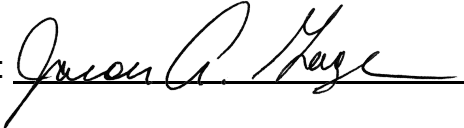
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-097

FILED: 04-30-19

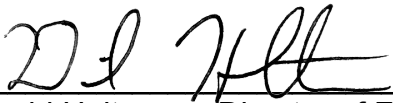
ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the budget of the Springfield Police Department for Fiscal Year 2018-2019 by appropriating \$1,100,000 in sales and use tax revenue received during the current Fiscal Year, for the purpose of funding the housing of City prisoners pursuant to an agreement with Vernon County, Missouri.

BACKGROUND INFORMATION: During the current Fiscal Year 2018-2019, the City has realized sales and use tax revenues in excess of budget totaling more than \$1.1 million.

The City wishes to amend the budget of the Springfield Police Department for Fiscal Year 2018-2019 by adding \$1.1 million of additional sales and use tax revenue to cover the cost of housing municipal inmates with Vernon County. It is anticipated the additional \$1.1 million will provide sufficient funds to cover the costs of housing City inmates for the remainder of Fiscal Year 2018-2019 and Fiscal Year 2019-2020.

Submitted by:



David Holtmann, Director of Finance

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
0029

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	09	14120	401510	000000	00000	\$ 825,000	Additional Sales Tax Revenue
10110	09	14120	401520	000000	00000	275,000	Additional Use Tax Revenue
Net Revenue Adjustment						1,100,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10110	18	90100	504580	000000	00000	\$ 1,100,000	Final funding of prisoner housing (FY19 and FY20)
Net Expenditure Adjustment						\$ 1,100,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: Amend the FY19 General Fund by appropriating additional FY19 revenues for one-time needs for prisoner housing.

Requested By:

DL Hill 05-01-19
Department Head Date

Approved By:

DL Hill 05-01-19
Director of Finance Date
James A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-097
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 3
Filed 04-30-19

Sponsored by Fisk

First Reading _____

Second Reading _____

COUNCIL BILL 2019-112

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to refund \$1,000 in earnest money
2 to Reed Enterprises, LLC; and repealing Special Ordinance 27114.
3
4

5 WHEREAS, Reed Enterprises, LLC, was the highest bidder to purchase property
6 generally located at 2230 North East Avenue from the City; and
7

8 WHEREAS, to secure such purchase, Reed Enterprises, LLC, deposited \$1,000
9 in earnest money with the City; and
10

11 WHEREAS, in Special Ordinance 27114, City Council approved selling 2230
12 North East Avenue to Reed Enterprises, LLC; and
13

14 WHEREAS, since passing Special Ordinance 27114, Meridian Title Company
15 has refused to insure the title; and
16

17 WHEREAS, the sale has been cancelled; and
18

19 WHEREAS, the City desires to refund the \$1,000 earnest money to Reed
20 Enterprises, LLC.
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
23 SPRINGFIELD, MISSOURI, as follows, that:
24

25 Section 1 – City Council hereby authorizes the City Manager, or his designee, to
26 refund \$1,000 in earnest money to Reed Enterprises, LLC.
27

28 Section 2 – Special Ordinance Number 27114 is hereby repealed in its entirety.
29

30 Section 3 – This Ordinance shall be in full force and effect from and after
31 passage.
32

33 Passed at meeting: _____

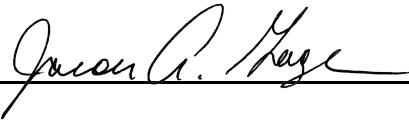
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -112

FILED: 04-19-19

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Authorizing the City Manager, or his designee, to refund \$1,000 in earnest money to Reed Enterprises, LLC; and repealing Special Ordinance 27114.

BACKGROUND INFORMATION: Reed Enterprises, LLC, was the highest bidder to purchase property generally located at 2230 North East Avenue from the City. To secure the purchase, Reed Enterprises, LLC, deposited \$1,000 in earnest money with the City. In Special Ordinance 27114, City Council approved selling 2230 North East Avenue to Reed Enterprises, LLC.

Since that time, Meridian Title Company has refused to insure title, so the sale must be cancelled and the \$1,000 earnest money refunded to Reed Enterprises.

Submitted by:



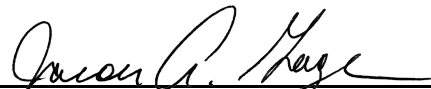
Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Jason Gage, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 25
Filed: 04-30-19

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-113

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Surface
2 Transportation Program-Urban Program Agreement with the Missouri
3 Highways and Transportation Commission; and amending the budget
4 of the Department of Public Works for Fiscal Year 2018-2019, in the
5 amount of \$332,000.00, for the purpose of partially reimbursing the
6 base salaries of up to six City employees who operate and manage
7 the Transportation Management Center.
8 _____
9

10 WHEREAS, an Agreement has been proposed that would allow the use of
11 Surface Transportation Program ("STP") funds to reimburse the City for a portion of the
12 base salaries of up to six City employees who operate and manage the Transportation
13 Management Center ("TMC"); and
14

15 WHEREAS, the federal Surface Transportation Block Grant funds will reimburse
16 80 percent of the base salaries of said City employees; and
17

18 WHEREAS, the remaining portion of related base salary costs, all benefit costs,
19 and the required grant match will be funded by the existing Transportation Fund budget;
20 and
21

22 WHEREAS, a budget adjustment is required to appropriate a portion of the funds
23 associated with the Agreement.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 – The City Manager, or their designee, is hereby authorized to enter
29 into an Agreement with the Missouri Highways and Transportation Commission
30 ("MHTC"), said Agreement to be in substantially the same form as that document
31 attached hereto and incorporated herein by this reference as "Exhibit 1."
32

33 Section 2 – The budget of the Department of Public Works for Fiscal Year 2018-

2019, is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 0034, a copy of which is attached hereto and incorporated herein by this reference as "Exhibit 2."

Section 3 – The City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 4 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Richard T. Widen, Assistant City Attorney

Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2019-113

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Surface Transportation Program-Urban Program Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019, in the amount of \$332,000.00, for the purpose of partially reimbursing the base salaries of up to six City employees who operate and manage the Transportation Management Center.

BACKGROUND INFORMATION: In collaboration with Missouri Department of Transportation (“MoDOT”) staff, the Transportation Management Center (“TMC”) is operated and managed by six Public Works employees. Base salaries and benefit costs for all six city employees are budgeted in the Transportation Fund. Last year, federal Surface Transportation Block Grant (“STBG”) funds were used to fund 80 percent of the base salaries for City TMC staff. The remaining 20 percent of the base salary costs were funded by the Transportation Fund which has been utilized to meet the matching requirements of the federal STBG funds. Employee benefit costs, also funded by the Transportation Fund, are not eligible for grant reimbursement.

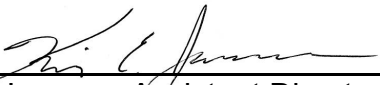
The use of federal STBG funds for another one-year period to reimburse 80 percent of the base salaries of six City TMC employees will reduce base salary expenses that would otherwise be budgeted and funded by the Transportation Fund during Fiscal Year 2019-2020. The estimated annual base salary cost of the six positions is approximately \$415,000. Approval of this ordinance authorizes the City Manager to enter into the Surface Transportation Program (STP)-Urban Program Agreement needed to continue using federal funds for 80 percent of the base salaries (\$332,000) for another one-year period as estimated on the budget adjustment. The grant match requires 20 percent of the base salary costs (\$83,000) to continue to be funded by the Transportation Fund budget. All benefit costs will also continue to be funded by the Transportation Fund.

Supports the following 2019 City Council Priorities:

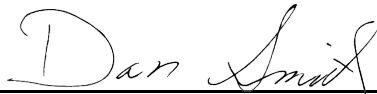
- Public safety
- Economic vitality
- Fiscal sustainability

REMARKS: A Transportation Improvement Program (“TIP”) project has been prepared to allow the use of federal STBG funds for these base salaries. Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:

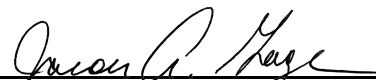

Jason Gage, City Manager

Exhibit 1

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 02/16 (MWH)
Modified: 02/19 (MWH)

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STBG-5938(807) TIP# MO1804
Award Year: 2019
Federal Agency: Federal Highway Administration, Department of Transportation

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Greene County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STBG-5938(807) involves:

Salaries of the Engineers and Technicians that operate, manage, and provide necessary traffic data for the Transportation Management Center of the Ozarks and Ozarks Traffic Intelligent Transportation System for the City of Springfield. Construction is not contemplated by this agreement.

(2) LOCATION: The contemplated improvement designated as Project STBG-5938(807) by the Commission is within the city limits of Springfield, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as

follows: The Transportation Management Center located at 1107 W. Chestnut Expressway, Springfield, Missouri 65802.

(3) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(4) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit B. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the

contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(5) ACQUISITION OF RIGHT OF WAY: No acquisition of additional right of way is anticipated in connection with Project STBG-5938(807) or contemplated by this Agreement.

(6) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent (**80%**) not to exceed **\$332,000.00**. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(7) WORK ON STATE RIGHT OF WAY: There are no contemplated improvements for Project STBG-5938(807) which will involve work on the state's right of way.

(8) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(9) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(10) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(11) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(12) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(13) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(14) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(15) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(16) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
Tom Dancey, P.E.
840 Boonville

Springfield, MO 65802
Facsimile No.:417-864-1983

- (B) To the Commission:
Travis Koestner, P.E., District Engineer
3025 E. Kearney
Springfield, MO 65803
Facsimile No.:417-895-7610

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(17) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this

Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or

2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (17) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(18) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(19) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(20) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _____ day of _____, 2019.

Executed by the Commission this _____ day of _____, 2019.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

By _____

Title _____

Ordinance No: _____

Exhibit A - Location of Project

TMC Salaries Location Map

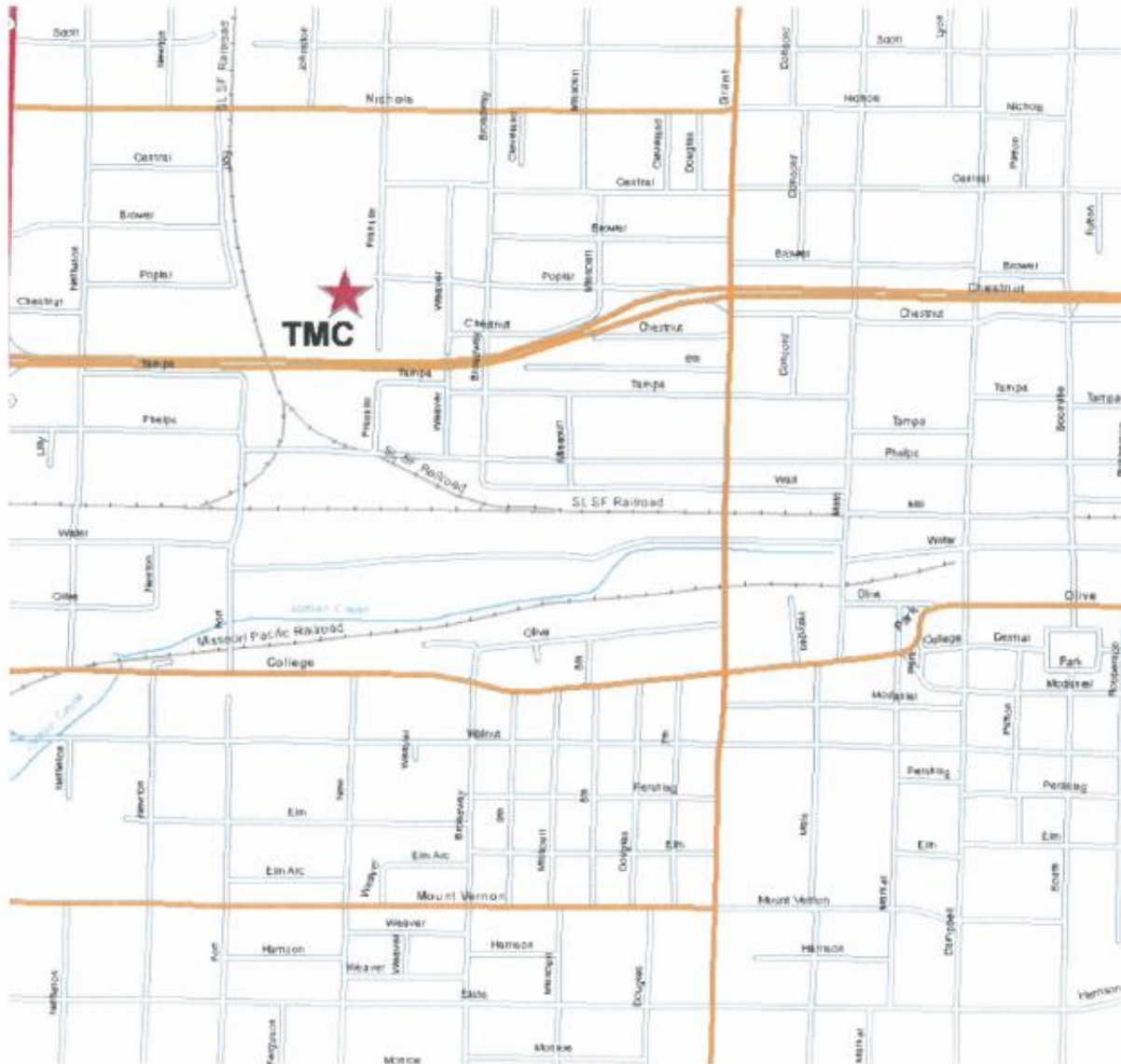


Exhibit B

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

Exhibit B

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

Exhibit B

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

Exhibit B

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

Exhibit B

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

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(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

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d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

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VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

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"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

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department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

Exhibit B

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
0034

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	332,000	Federal STBG Grant Revenues for TMC Base Salaries
Net Revenue Adjustment						332,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	500110	000000	00000	332,000	TMC Salaries (80% of Base Salaries) Funded By Federal Grant Funds
28010	20	78020	500110	000000	00000	(332,000)	TMC Base Salaries-6 Positions-FY 2019-2020 Savings-12 Months
Net Expenditure Adjustment						-	

Fund Balance Appropriation:

Fund	Title	Amount
46040	PW U.S. Dept of Transportation Grants	-
28010	PW Transportation Fund	332,000

FY 2019-2020 Savings - 12 Months

Explanation: To appropriate Federal STBG Grant Funds for 80% of the base salaries of six (6) staff positions at the Transportation Management Center (TMC) based on the grant agreement. City grant match of 20% will be from the remaining 20% of base salaries and will be funded by the Transportation Fund operating budget. One-year grant award estimated to be effective for 12 months of FY 2020 beginning July 1st.

Requested By:

Dan Smith 05-01-19
Department Head Date

Approved By:

DL Holt 05-01-19
Director of Finance or Acting Director Date
Jason A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-113
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hmgs. _____
Pgs. 5
Filed: 04-30-19

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-114

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019
2 in the amount of \$50,800,000, to appropriate the estimated proceeds of
3 the first five years of the 1/4-Cent Capital Improvements Sales Tax; and
4 authorizing the City Manager to exercise any necessary powers to
5 complete capital projects funded by the 1/4-Cent Capital Improvements
6 Sales Tax for the purpose of funding and completing those projects
7 funded herein.
8 _____
9

10 WHEREAS, the 1/4-Cent Capital Improvement Sales Tax was originally
11 approved by the qualified voters of the City in 1989; and
12

13 WHEREAS, said tax has been renewed on a continual basis since that time with
14 its most recent iteration being approved by the qualified voters of the City on April 2,
15 2019; and
16

17 WHEREAS, the most recent iteration of said tax extended the tax's term from
18 three years to 20 years; and
19

20 WHEREAS, to facilitate the City's efforts to design and begin contract
21 negotiations for projects to be funded by said tax, City Council desires to appropriate
22 the estimated revenues to be generated by the tax for the next five years; and
23

24 WHEREAS, the estimated generated revenues of said tax is \$50,800,000; and
25

26 WHEREAS, City Council desires to authorize the City Manager to exercise any
27 powers necessary, including the power to enter into contracts on behalf of the City to
28 acquire any needed rights-of-way or real property, to ensure that projects funded by the
29 1/4-Cent Capital Improvements Sales Tax are completed in an efficient and timely
30 manner.
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34
35 Section 1 – The budget of the City of Springfield, Missouri for Fiscal Year 2018-
36 2019 is hereby amended in the accounts and in the amounts as shown on “Budget
37 Adjustment No. 0033,” which is attached hereto as “Exhibit A,” and is incorporated
38 herein by this reference.
39

40 Section 2 – The City Manager is directed to cause the appropriate accounting
41 entries to be made in the books and records of the City.
42

43 Section 3 – The City Manager, or his designee, is hereby authorized to exercise
44 any and all powers necessary to implement the high priority transportation projects
45 funded by the 1/4-Cent Capital Improvements Sales Tax, including, without limitation,
46 the execution of any agreements or contracts for the purchase of any rights-of-way or
47 real property interests which are required to complete said projects and the hiring of any
48 consultants or design professionals whose services are necessary for the completion of
49 said projects.
50

51 Section 4 – This Ordinance shall be in full force and effect from and after passage.
52
53

54 Passed at meeting: _____
55

56 _____
57 Mayor
58
59

60 Attest: _____, City Clerk
61
62

63 Filed as Ordinance _____
64

65 Approved as to form: *Richard T. Weller*, Assistant City Attorney
66
67

68 Approved for Council action: *Jason A. Page*, City Manager
69

EXPLANATION TO COUNCIL BILL 2019-114

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Amending the budget of the City of Springfield, Missouri, for Fiscal Year 2018-2019 in the amount of \$50,800,000, to appropriate the estimated proceeds of the first five years of the 1/4-Cent Capital Improvements Sales Tax; and authorizing the City Manager, to exercise any necessary powers to complete capital projects funded by the 1/4-Cent Capital Improvements Sales Tax; for the purpose of funding and completing those projects funded herein.

BACKGROUND: The 1/4-Cent Capital Improvement Sales Tax was originally approved by Springfield voters in 1989 and renewed in 1992, 1995, 1998, 2001, 2004, 2007, 2010, 2013, and 2016 with a three-year “sunset” provision. The 2019 renewal extended the “sunset” provision to twenty years. These projects have typically included street improvements/resurfacing, sidewalks, traffic signals/traffic calming, storm water projects, neighborhood programs, safety signs/markings, reforestation/landscaping, economic development and quality of life enhancement projects through shared funding, and other high-priority capital improvements. Twenty-two (22) projects and programs are approved for the 1/4-Cent Capital Improvements Sales Tax Program for 2019-2024.

The proceeds from the 1/4-Cent Capital Improvement Sales Tax have been designated for high-priority capital improvement projects in the amount of \$50,800,000. To facilitate efforts to design and begin contract negotiations for these projects, it is necessary to appropriate the estimated proceeds to be generated by the tax. A budget adjustment in the amount of \$50,800,000 is included for this purpose. The 2019-2024 1/4-Cent Capital Improvement Sales Tax is projected to generate \$59,250,000, providing an estimated contingency reserve of \$8,450,000 that is not being budgeted with this Council bill.

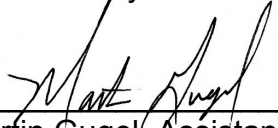
This Council bill will also authorize the City Manager to enter into contracts with consultants and design professionals for services related to 1/4-Cent Capital Improvements Sales Tax projects and to acquire the right-of-way and real property needed to complete the projects funded by the 1/4-Cent Capital Improvements Sales Tax.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

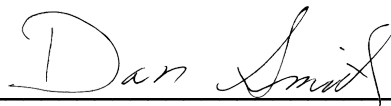
REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
0033

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
41100	20	73020	401510	000000	00000	50,800,000	Estimated 2019-2024 1/4-Cent Capital Improvement Sales Tax Revenues for voter approved projects (Years 1 through 5 of twenty (20) year sales tax)
Net Revenue Adjustment						50,800,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
41100	20	73020	509110	000000	00000	50,800,000	2019-2024 1/4-Cent Capital Improvement Sales Tax Projects (Projects/Programs for Years 1 through 5 of twenty (20) year sales tax)
Net Expenditure Adjustment						50,800,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate the estimated revenues of years 1 through 5 (2019-2024) of the twenty (20) year 1/4-Cent Capital Improvement Sales Tax, approved by the Springfield voters on April 2, 2019, to be used to fund the 1/4-Cent Sales Tax Capital Improvement Program for 2019-2024.

Requested By:

Dan Smith 05-01-19
Department Head Date

Approved By:

DL Hill 05-01-19
Director of Finance Date
Jason A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-114
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 17
Filed: 04-30-19

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-115

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Agreement with the
2 Missouri Highways and Transportation Commission; and amending the
3 budget of the Department of Public Works for Fiscal Year 2018-2019 in
4 the total amount of \$1,045,803 for the purpose of sharing the costs of
5 improvements to the US 160 and MO 744 intersection.
6 _____
7

8 WHEREAS, the City and the Missouri Highways and Transportation Commission
9 desire to share the costs of certain improvements to the intersection of US 160 ("West
10 Bypass") and MO 744 ("Kearney Street"); and
11

12 WHEREAS, said improvements are estimated to cost \$2,614,508 which include
13 preliminary engineering, right-of-way acquisition, utility relocation, project construction,
14 and work inspection; and
15

16 WHEREAS, the City will contribute \$1,307,254 towards the cost of the project
17 with 80 percent of this contribution funded from Surface Transportation Block Grant
18 ("STBG") funds (\$1,045,803) and 20 percent funded from the 1/4-Cent Capital
19 Improvements Sales Tax (\$261,451); and
20

21 WHEREAS, the budget adjustment authorized by this Council Bill will budget the
22 portion of the City's contribution derived from STBG funds; and the portion of the City's
23 contribution derived from 1/4-Cent Capital Improvements Sales Tax funds.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
29 a "Municipal and Cost Apportionment Agreement" with the Missouri Highways and
30 Transportation Commission, said agreement to be in substantially the same form as that
31 document attached hereto and incorporated herein by reference as "Exhibit 1."
32

33 Section 2 – The budget for the City of Springfield, Missouri for Fiscal Year 2018-
34 2019 is hereby amended in the accounts and in the amounts as shown on Budget
35 Adjustment No. 0035, a copy of which is attached hereto and incorporated herein by
36 this reference as "Exhibit 2."

37
38 Section 3 – The City Manager is directed to cause the appropriate accounting
39 entries to be made in the books and records of the City, consistent with this Ordinance.

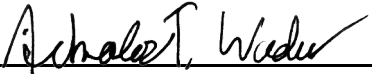
40
41 Section 4 – This Ordinance shall be in full force and effect from and after
42 passage.

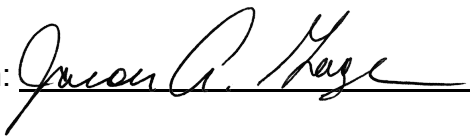
43
44 Passed at meeting: _____

45
46
47 _____
48 Mayor

49
50 Attest: _____, City Clerk

51
52 Filed as Ordinance: _____

53
54
55 Approved as to form: , Assistant City Attorney

56
57
58 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019-115

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Authorizing the City Manager, or his designee, to enter into an Agreement with the Missouri Highways and Transportation Commission; and amending the budget of the Department of Public Works for Fiscal Year 2018-2019 in the total amount of \$1,045,803, for the purpose of sharing the costs of improvements to the US 160 and MO 744 intersection.

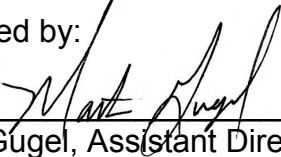
BACKGROUND INFORMATION: This Municipal and Cost Apportionment Agreement shares the estimated \$2,614,508 cost for preliminary engineering, right-of-way acquisition and incidentals, utility relocation, project construction, and work inspection associated with the intersection improvements. The City will contribute \$1,307,254 (50%) of this cost. The City's contribution will be funded 80% from Surface Transportation Block Grant ("STBG")-Urban funds (\$1,045,803) being budgeted with this Council bill and 20% from the renewed 1/4-Cent Capital Improvements Sales Tax (\$261,451) that is being budgeted through a separate Council bill.

Supports the following City Council Priorities:

- Public safety
- Economic vitality
- Fiscal sustainability

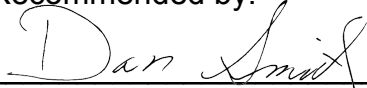
REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

Submitted by:



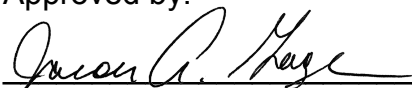
Martin Gugel, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Jason Gage, City Manager

Exhibit 1

CCO Form: DE63
Approved: 12/17 (BDG)
Revised: 12/18 (BDG)
Modified:

Municipal and Cost Apportionment Agreement
Route: US 160 & MO 744
County: Greene
Job No.: 8P3087D

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AND COST APPORTIONMENT AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield, Missouri, a municipal corporation (hereinafter, "Entity").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route 160 and Route 744, Greene County, Job No. 8P3087D, shall consist of turn lane and signal improvements.

(2) IMPROVEMENT WITHIN CITY: The improvement within the Entity is located as follows:

At the intersection of US 160 (West Bypass) and MO 744 (Kearney Street) in the City of Springfield, Greene County.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the Entity.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the Entity limits described in paragraphs (1) and (2) above and designated as Commission Job No. 8P3087D. The parties' responsibilities with respect to the funding of said improvements are outlined further herein.

(6) PROJECT RESPONSIBILITIES: With regard to project responsibilities under this Agreement, the parties agree to contribute as follows:

(A) The Commission will be responsible for the preparation of detailed right-of-way and construction plans and project specifications. This includes design, letting of project, and inspection of project. The plans shall be prepared in accordance with and conform to Commission requirements.

(B) The Commission will acquire right-of-way as needed for the project in accordance with Commission requirements.

(C) The Commission will be responsible for letting the work for the herein improvement, which includes advertising the project for bids and awarding the construction contract. The Commission will solicit bids for the herein improvement in accordance with plans developed by the Commission, or as the plans may from time to time be modified in order to carry out the work as contemplated.

(D) The Commission will be responsible for construction of the herein improvements, which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to Commission requirements.

(7) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The total project cost is estimated to be two million six hundred fourteen thousand five hundred eight dollars (\$2,614,508). The total project cost will include preliminary engineering, right of way, incidentals, utilities, construction and inspection. The details of the estimated cost breakdown are listed in "Exhibit B", which is attached hereto and made part hereof.

(B) The Entity will be responsible for fifty percent (50%) of the total project cost. The current estimate of the Entity's responsibilities is one million three hundred seven thousand two hundred fifty-four dollars (\$1,307,254). The Entity agrees that the Commission may program eighty percent (80%) of the Entity's share of its responsibilities, currently estimated to be one million forty-five thousand eight hundred three dollars (\$1,045,803) from Surface Transportation Block Grant (STBG) funds allocated by the Ozarks Transportation Organization in partial fulfillment of the Entity's obligation for payment for the project. The remainder of the Entity's contribution shall consist of the twenty percent (20%) match for the Entity's STBG funds, for which the Entity shall remit a check in the amount of two hundred sixty-one thousand four hundred fifty-one dollars (\$261,451) no later than five (5) days prior to the Commission's advertisement of the project for bids. This check should be made payable to the *Missouri Highway and Transportation Commission – Local Fund*. If the Entity fails to make the required deposit, the Commission is under no obligation to continue with the project.

(C) The Commission will pay for fifty percent (50%) of the total project

cost, currently estimated at one million three hundred seven thousand two hundred fifty-four dollars (\$1,307,254).

(D) The Entity and Commission shall share responsibility for the balance of the project in excess of two million six hundred fourteen thousand five hundred eight dollars (\$2,614,508) equally. The Commission may program additional STBG funds for 80% of the Entity's share of overruns. The Entity will pay local funds for the twenty percent (20%) match of its share of overruns. The Commission and Entity will share cost underruns equally, with the Entity's share of underruns split proportionally between eighty percent (80%) STBG funds and twenty percent (20%) local funds.

(8) COMMINGLING OF FUNDS: The Entity agrees that all funds deposited by the Entity, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the *Local Fund* and credited to the project. If the amount deposited plus any applicable credited interest with the Commission shall be less than the actual obligation of the Entity for this project, the Entity, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the project, any excess funds or interest credited to the Entity shall be refunded to the Entity based on its pro rata share of the investment.

(9) RIGHT-OF-WAY USE: The Entity grants the right to use the right-of-way of public roads, streets, alleys and any other property owned by the Entity as necessary for construction and maintenance of said public improvement.

(10) CLOSE AND VACATE: The Entity shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(11) RIGHT-OF-WAY ACQUISITION: Upon approval of all agreements, plans and specifications by the Commission and the Federal Highway Administration (FHWA), the Commission will file copies of the plans with the city clerk of the Entity and the county clerk of the county and proceed to acquire any necessary right-of-way required for the construction of the improvement. The Entity shall reimburse the Commission for the actual costs incurred in the right-of-way acquisition in accordance with Section (7) of this agreement.

(12) UTILITY RELOCATION:

(A) The Commission and the Entity shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by

such public utilities or the owners of the facilities except where the Entity is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the Entity will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the Entity which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the Entity will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the Entity except as otherwise provided. The Entity shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the Entity in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's district engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the Entity in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the Entity for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the Entity at its cost.

(F) The Entity agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and

regulations of the Commission and after a permit for the particular work has been obtained from the Commission's district engineer or his authorized representative. Similarly, the Entity will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's district engineer or his authorized representative. The Entity shall take whatever actions that are necessary to assure compliance with this Subsection.

(13) LIGHTING

(A) The installation, operation, and maintenance by the Commission of any lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect at the time of any such installation and only to the extent the Commission then deems warranted. No street lighting system shall be installed or maintained by or for the Entity on the improvement without approval of the Commission.

(B) The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the Entity on the improvement without approval of the Commission.

(14) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The Entity shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(15) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The Entity shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the Entity's authority and control of the storm sewer facilities or natural drainage involved.

(16) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(17) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction and right-of-way costs. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(18) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the Entity.

(19) POLICE POWERS: It is the intent of the parties to this Agreement that the Entity shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the Entity will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(20) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the Entity shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(21) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the Entity shall take whatever actions that are necessary to enforce this Section.

(22) WITHHOLDING OF FUNDS: In the event that the Entity fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the Entity for compliance and the Entity's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the Entity.

(23) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration, and is further subject to the availability of federal and state funds for this construction.

(24) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) The Entity will require any contractor procured by the Entity to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(25) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the Entity and Commission, respectively, each of

whom being duly authorized to execute the contract amendment on behalf of the Entity and Commission, respectively.

(26) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(27) ENTITY REPRESENTATIVE: The Entity's City Manager is designated as the Entity's representative for the purpose of administering the provisions of this Agreement. The Entity's representative may designate by written notice other persons having the authority to act on behalf of the Entity in furtherance of the performance of this Agreement.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the Entity:
City Manager
Jason Gage
840 Boonville Ave.
4th Floor
Springfield, MO 65802
417-864-1006
- (B) To the Commission:
Southwest District Engineer
Travis Koestner,
3025 E. Kearney St.
Springfield, MO 65803
417-895-7610

or to such other place as the parties may designate in accordance with this Agreement.

(29) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(30) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state and federal laws and regulations relating to the performance of the contract.

(31) VENUE: It is agreed by the parties that any action at law, suit in equity, or

other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(32) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(33) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(34) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(35) AUDIT OF RECORDS: The Entity must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(36) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission, except as otherwise provided by this Agreement or a separate written agreement.

(37) NO INTEREST: By contributing to the cost of this project or improvement, the Entity gains no interest in the constructed roadway or improvements on Commission right of way whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the Entity shall not be entitled to a refund of the funds contributed by the Entity pursuant to this Agreement.

(38) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the Entity for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the Entity with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the Entity's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the Entity's request for a refund

pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Entity and the Commission.

(39) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(40) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(41) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(42) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the Entity this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

By: _____

Title: _____

Ordinance Number _____

EXHIBIT A

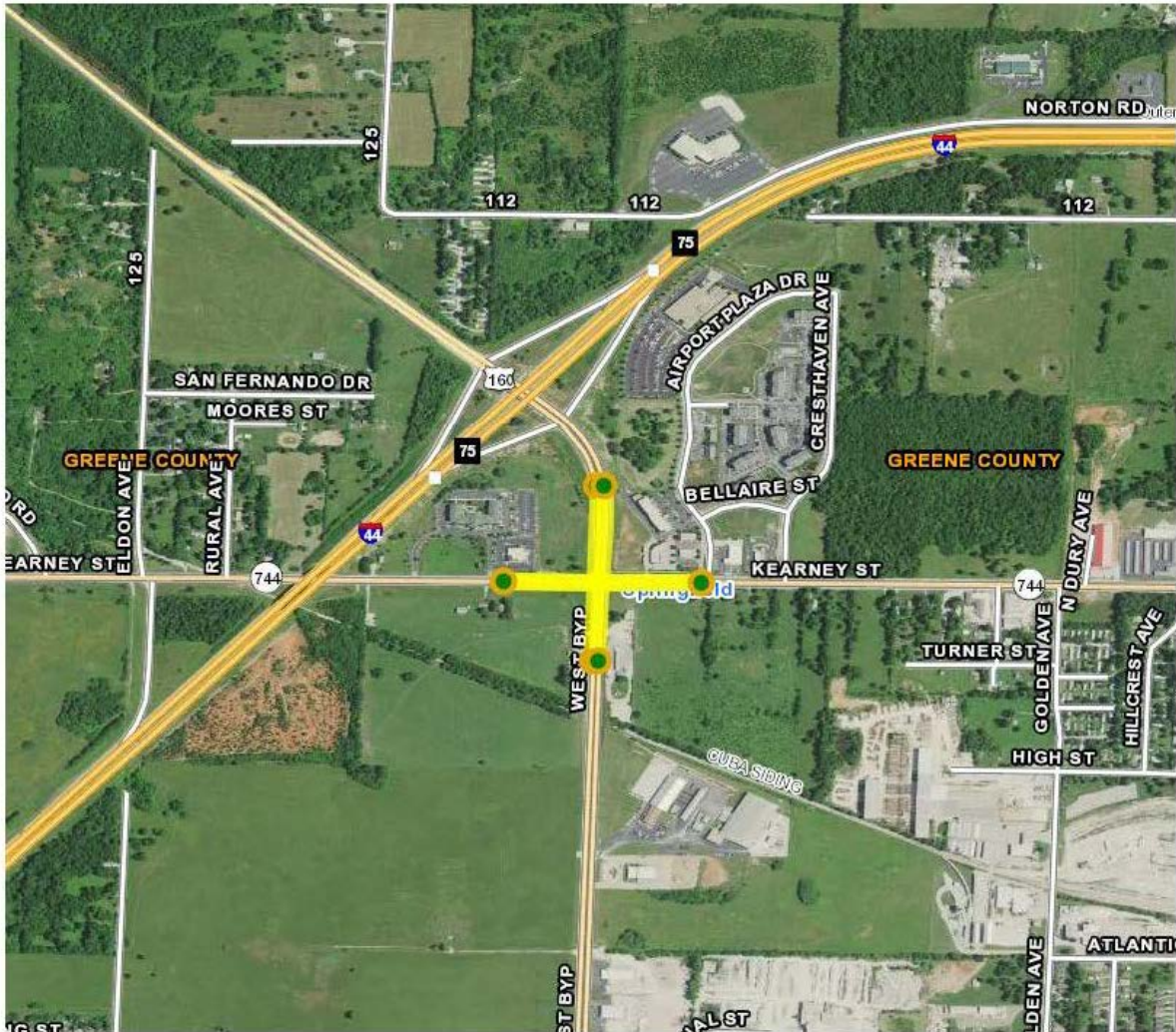


Exhibit B

Project Name: Kearney & West Bypass Intersection
MoDOT Job Number: J8P3087D

Description: Turn lane and signal improvements at the intersection of
Kearney Street (Rte. 744) and West Bypass (Rte. 160)

Project Estimate

	Current Estimate and Inflation	Cost Apportionment Eligible
Preliminary Engineering	\$ 275,000	\$ 275,000
Right-of-way	\$ 200,000	\$ 200,000
Right-of-way Incidentals	\$ 30,000	\$ 30,000
Utilities	\$ 254,000	\$ 254,000
Construction w/ Contingency	\$ 1,611,508	\$ 1,611,508
Non-contractuals	\$ -	\$ -
Inspection and Letting	\$ 244,000	\$ 244,000
Total	\$ 2,614,508	\$ 2,614,508

Project Responsibilities

Preliminary Engineering	MoDOT
ROW Acquisition	MoDOT
Letting	MoDOT
Inspection	MoDOT

Financial Responsibilities

City of Springfield Local Funds	\$ 261,451	Total Local Share
City of Springfield STBG-U	\$ 1,045,803	\$ 1,307,254
City of Springfield Share		50.0%
MoDOT SW in-kind	\$ 549,000	Total MoDOT Share
MoDOT Flexible Funds	\$ 758,254	\$ 1,307,254
MoDOT Share		50.0%

How are overruns and underruns handled?

The Entity of Springfield and the Commission will share cost overruns equally. For its share of cost overrun expenses, the Entity agrees that the Commission may program up to 80% STBG-Urban funds allocated to the Entity by the Ozarks Transportation Organization, with the remainder being Entity local funds. The Entity and the Commission will share cost underrun savings equally.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
0035

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	1,045,803	Federal STBG Grant Revenues - West Bypass/Kearney Intersection Imp
Net Revenue Adjustment						1,045,803	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	509110	000000	00000	1,045,803	West Bypass/Kearney Intersection Improvements - Funded By Federal STBG Funds
Net Expenditure Adjustment						1,045,803	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To appropriate federal STBG grant funds of \$1,045,803 towards the City's share of the estimated costs of the West Bypass/Kearney Intersection Improvements based on the proposed Municipal and Cost Apportionment Agreement. The remaining City share of costs estimated at \$261,451 for this project will be funded by the renewed 1/4-Cent Capital Improvement Sales Tax that is being budgeted through a separate council bill.

Requested By:

Dan Smith 05-01-19
Department Head Date

Approved By:

D. J. Hill 05-01-19
Director of Finance Date

Jason A. Hays 05-01-19
City Manager Date

Authorization:

Council Bill No. 2019-115
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 9
Filed: 04-30-19

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019-116

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a license agreement
2 with Environmental Works, Inc., for the purpose of installing and
3 maintaining three monitoring wells on public right-of-way to monitor
4 groundwater conditions.
5 _____
6

7 WHEREAS, an environmental investigation is being conducted at a former
8 fueling station at 900 North Campbell Avenue; and
9

10 WHEREAS, this investigation is being conducted with oversight from the Missouri
11 Department of Natural Resources; and
12

13 WHEREAS, part of said environmental investigation is the installation of three
14 monitoring wells at said location; and
15

16 WHEREAS, Environmental Works, Inc., requires the permission of the City to
17 install monitoring wells in the City right-of-way.
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 SPRINGFIELD, MISSOURI, as follows, that:
21

22 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
23 a license agreement with Environmental Works, Inc., said agreement to be in
24 substantially the same form as that document attached hereto and incorporated herein
25 by this reference as "Exhibit 1."
26

27 Section 2 – This Ordinance shall be in full force and effect from and after
28 passage.
29

30 Passed at meeting: _____

31
32
33
34
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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Richard T. Wiedner*, Assistant City Attorney

Approved for Council action: *Jason A. Hage*, City Manager

EXPLANATION TO COUNCIL BILL 2019- 116

FILED: 04-30-19

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into an agreement with Environmental Works, Inc., for the purpose of installing and maintaining three monitoring wells on public right-of-way to monitor groundwater conditions.

BACKGROUND INFORMATION: The proposed monitoring wells will be part of an environmental investigation that is taking place at a former fueling station at 900 North Campbell Avenue. This investigation is conducted with the oversight and approval of the Missouri Department of Natural Resources. The proposed monitoring wells will be completed to an approximate depth of 20 feet, depending on field conditions. The wells are to be installed flush with the ground and in or near the sidewalk along the east side of Campbell Avenue and north side of Central Street within the public right-of-way.

The license agreement ("Exhibit 1") permits the consultant, Environmental Works, Inc., to install and maintain three monitoring wells in the public right-of-way, in a location and manner approved by a designated representative of the Director of Public Works. The City has previously granted permission to install similar wells in other locations. Proof of insurance has been submitted.

Supports the following City Council Priorities:

- Public Safety

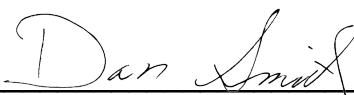
FINANCIAL: The cost of installation and maintenance falls to Environmental Works, Inc.

RECOMMENDATION: Public Works recommends passage of this Ordinance.

Submitted by:


Kirk Juranas, Assistant Director of Public Works

Recommended by:


Dan Smith, Director of Public Works

Approved by:


Jason Gage, City Manager

Exhibit 1

ROUTING	(1) ORIGINATING DEPARTMENT	(2) LICENSEE	(3) FINANCE DEPARTMENT
ORDER	(4) LAW DEPARTMENT	(5) CITY MANAGER'S OFFICE	(6) CITY CLERK'S OFFICE
EFFECTIVE DATE	TERMINATION DATE	CONTRACT NUMBER:	
() NEW CONTRACT		() RENEWAL OF CONTRACT No. _____	
CITY		LICENSEE	
CITY OF SPRINGFIELD 840 BOONVILLE, PO Box 8368 SPRINGFIELD, MO 65802 PHONE: 417- 864-1801 FAX: 417-864-1983 ATTN: MANDY BUETTGEN-QUINN DEPT: PUBLIC WORKS, TRAFFIC OPERATIONS		ENVIRONMENTAL WORKS, INC. 1455 E. CHESTNUT EXPRESSWAY SPRINGFIELD, MO 65802 PHONE: 417-890-9500 FAX: 417-823-9659 ATTN: GREG BISCHOF 	

LICENSE AGREEMENT FOR MONITORING WELLS

This License Agreement, made and entered into this ____ day of _____, 20____, by and between Environmental Works, Inc., a Missouri corporation (hereinafter "Licensee") and the City of Springfield, Missouri, a municipal corporation, (hereinafter "City").

WITNESSETH:

Whereas, the City of Springfield, Missouri, is the owner of certain street right-of-way located near 900 N Campbell Avenue, on Campbell Avenue and Central Street in Springfield, Missouri, and

Whereas, Licensee is a Missouri corporation is good standing, with its principal offices at 1455 E. Chestnut Expressway, Springfield, Missouri, 65802, and

Whereas, Licensee is an environmental consulting firm which provides sampling and analysis services in connection with hazardous releases from underground storage tanks and other sources, and

Whereas, Licensee has been retained for the purpose of performing site characterization studies, and

Whereas, the Missouri Department of Natural Resources has requested a system of monitoring wells be installed in an area which includes the City property,

NOW, THEREFORE, for and in consideration of the mutual promises and agreements herein contained, it is agreed by the City and Licensee, as follows:

1. License to Install and Maintain Groundwater Monitor Wells: City hereby grants to Licensee, its subcontractors, employees and agents, a license to enter upon City property for the purpose of installing, testing, repair and maintenance of three groundwater monitor wells in connection with its environmental site characterization study, said monitoring wells to be installed as near as feasible to the location shown on **Exhibit A**, which is attached hereto and incorporated by reference. This license shall commence on the date

of the execution of this agreement and shall continue until terminated by either party. Upon termination, all well equipment shall be removed, the wells properly capped and covered by Licensee and the right-of-way premises restored to the satisfaction of City upon termination of this license.

2. Location of Monitoring Wells: The monitoring wells location selected by Licensee shall be approved by of the Director Public Works, or their authorized designee, prior to installation, who may regulate the time of the work and may require the work to be stopped at any time, in their discretion. Licensee, however, shall have full responsibility for the location of the monitoring wells installed. Installation and removal of the wells shall be undertaken pursuant to an excavation permit from the Director of Public Works, subject to the requirements of applicable City Ordinances. Licensee shall conduct its activities so as to minimize any damage to City property and interference with the movement of motor vehicles in the areas where the monitoring wells are installed. Adequate guards and warning signs or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices will be provided by Licensee during construction. The monitoring wells shall not be installed below a depth of thirty (30) feet without express approval of the City and compliance with applicable City Ordinances. The monitoring wells shall be protected by metal covers flush with grade and the wells shall be constructed below ground level upon completion. Casings shall contain a locking device to prevent unauthorized access to the wells. No subsurface water drawn from the wells shall be stored on City premises. Well equipment shall conform to the description in **Exhibit B** attached hereto.

3. Indemnity: Licensee, in consideration for the grant of this license, agrees to defend and indemnify, and save the City and its duly elected officials, employees and agents, harmless from any and all claims, demands, causes of action, damages, judgments, costs, attorney fees or expenses, of any sort or kind whatsoever, including all damages for any injuries to person or persons, including death, or to property, arising out of or in connection with the activities on the property by Licensee, its subcontractors, agents and employees, notwithstanding any possible negligence on the part of the City, its duly elected officials, agents or employees, whether sole, concurrent or otherwise.

4. Insurance: Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Springfield, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Springfield against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Springfield. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Springfield - Public Works, P.O. Box 8368, Springfield, MO 65801-8368; and

Such policies shall name the City as an additional insured with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(See, <http://insurance.mo.gov/industry/sovimunity.php>).

As of January 1, 2015, the minimum coverage for the insurance referred to herein shall be as set out below:

- a. Workers' Compensation....Statutory coverage per RSMo 287.010 et seq.
Employer's Liability..... \$1,000,000.00

b. Commercial General Liability Insurance, including coverage for Contractual Liability and Independent Contractors Liability. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Seven Hundred Twenty-Seven Thousand Four Hundred Eighty-Nine and no/100 Dollars (\$2,727,489.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Nine Thousand One Hundred Twenty-Three and no/100 Dollars (\$409,123.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least

\$1,000,000 for all claims to property arising out of a single occurrence and at least \$100,000 to any one owner with respect to damages to property. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Seven Hundred Twenty-Seven Thousand Four Hundred Eighty-Nine and no/100 Dollars (\$2,727,489.00) for all claims arising out of a single accident or occurrence and at least Four Hundred Nine Thousand One Hundred Twenty-Three and no/100 Dollars (\$409,123.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

d. Subcontracts. In case any or all of this work is sublet, the Contractor shall require the subcontractor to procure and maintain all insurance required in subparagraphs (A), (B) and (C) hereof and in like amounts. Contractor shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Springfield through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

5. Conformity with Environmental Regulations: Licensee shall not cause or create any environmental hazards on the property, nor violate any other governmental laws or regulations which may be applicable to its activities on the premises and shall obtain any and all licenses, permits or consents which may be required for its activities on the premises. Licensee shall insure that its activities do not interfere, directly or indirectly, with any City operations. Licensee shall insure that any subcontractor shall comply with the requirements of this paragraph.

6. Restoration of Premises: Licensee will, at its own expense, promptly upon completion of the work, restore the premises to their pre-existing condition and to the satisfaction of the Director of Public Works.

7. Change in Grade: If the City changes the grade of the right-of-way, or changes the location of the street surface, improvements, structures or appurtenances located thereon during the term of the license, or any extensions thereof, thereby necessitating work on or relocation of the well, such work or relocation shall be at Licensee's sole cost and expense.

8. Compensation: No compensation will be payable from the City to Licensee, nor will Licensee be required to pay to City any rent or other fee for entry upon City premises, in accordance with this agreement.

9. Conflict of Interest: Licensee certifies that no member or officer of its corporation is an officer or employee of the City, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract, nor is there any conflict of interest under state law.

10. Discrimination: The Licensee agrees not to discriminate on the basis of or because of the race, creed, color, national origin or ancestry, sex, religion, handicap, age, or political opinion or affiliation, against any person in connection with its activities under the license.

11. Assignment: This License may not be assigned to any other party. City must approve any subcontractor performing work under this license.

12. Notices: Any notices given under this agreement shall be in writing and may be delivered in person or by facsimile transmission, to City, addressed to City Attorney, City of Springfield, 840 Boonville, Springfield, Missouri 65802, FAX: (417) 864-1551, or to Licensee, addressed to Environmental Works, Inc., 1455 East Chestnut Expressway, Springfield, Missouri 65802, FAX: 417-823-9659.

13. Entire Agreement: This document and the Exhibits attached hereto contains the entire agreement between the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

14. Applicable Law: This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri and in litigation pertaining hereto venue shall be proper only in the Circuit Court of Greene County, Missouri.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the day and year first written above.

APPROVED AS TO FORM

City Attorney, or designee

Environmental Works, Inc.

By: _____

Printed Name: _____

Title: _____

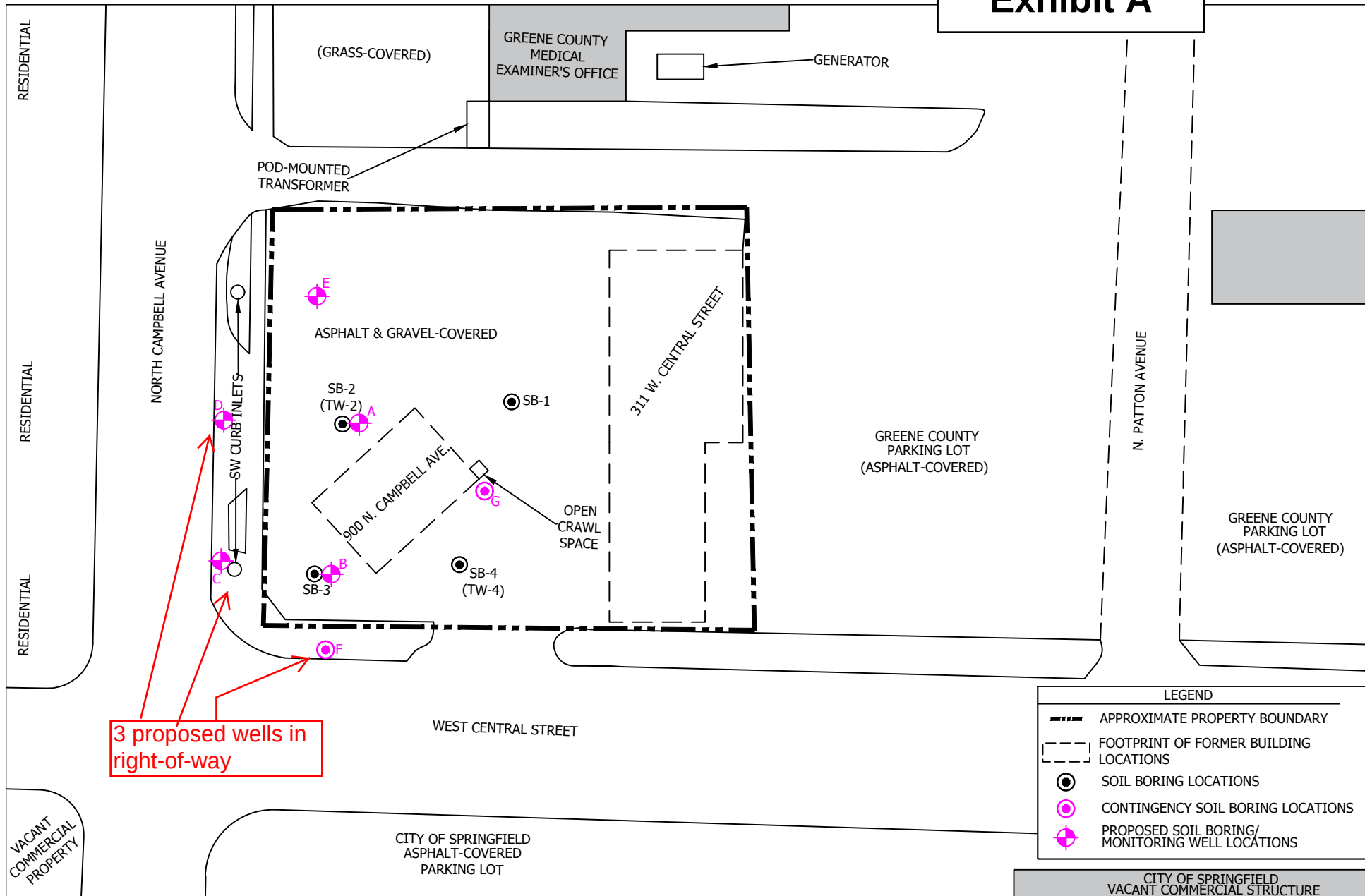
Date: _____

CITY OF SPRINGFIELD, MISSOURI

By: _____
City Manager, or designee

Date: _____

Exhibit A



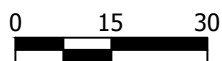
NORTH



CHECKED BY:
G. BISCHOF

E.W.I. # 190100
DRAWN BY: MLH
Mar. 20, 2019

SCALE IN FEET



APPROXIMATE



Springfield Office Location:
1455 E. Chestnut Expressway
Springfield, MO 65802
Phone: (417) 890-9500

PROPOSED SOIL BORING/
MONITORING WELL LOCATIONS

PHASE II- FORMER BOOKSTORE
900 N. CAMPBELL AVE. & 311 W. CENTRAL STREET
SPRINGFIELD, GREENE COUNTY, MISSOURI

FIGURE

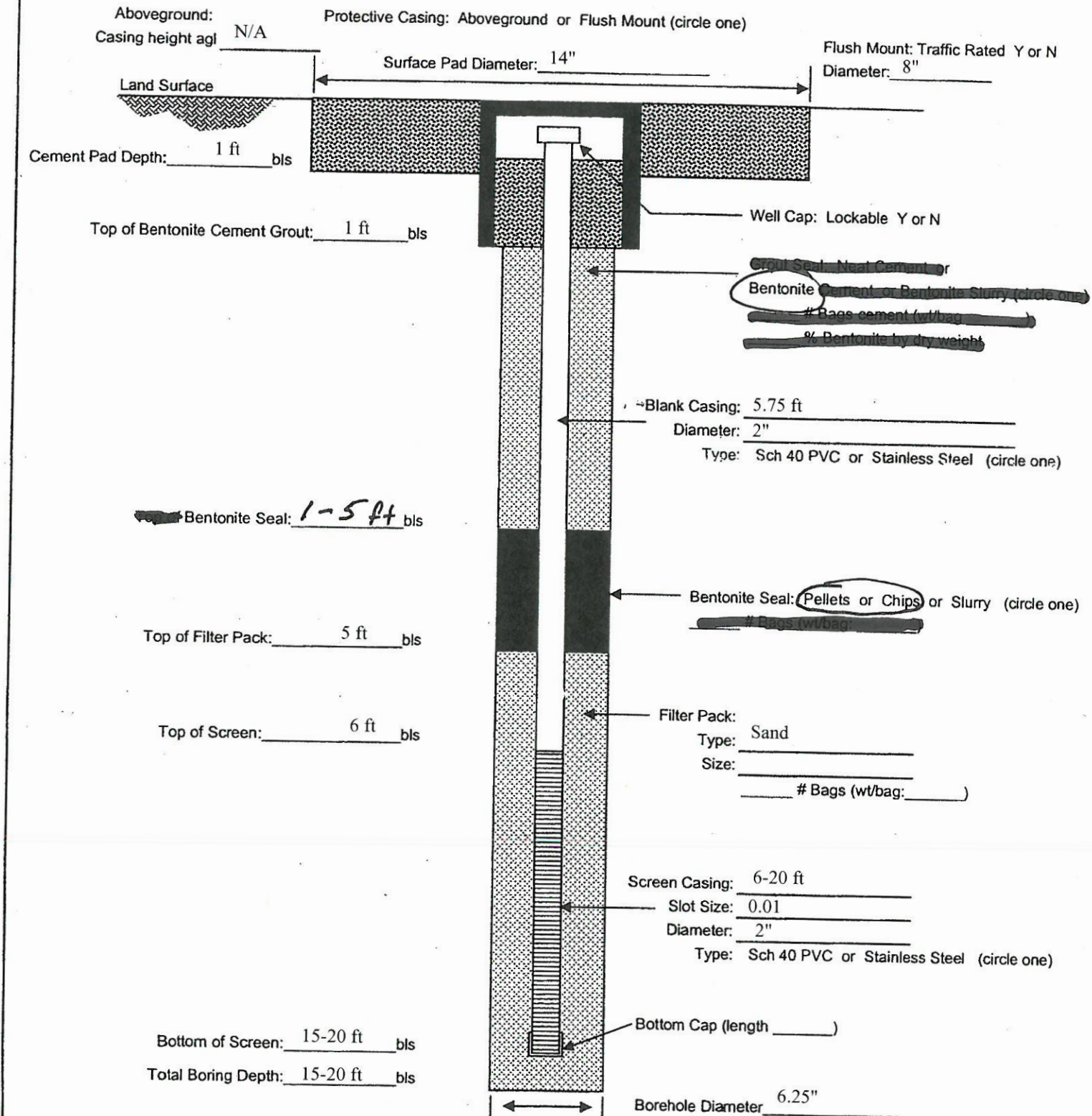
7.0

PROPOSED MONITORING WELL CONSTRUCTION SCHEMATIC

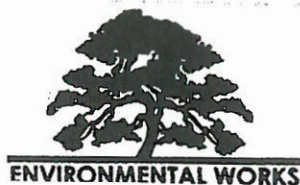
Boring ID: locations C,D,F

Logged By: _____

Drilled By: Environmental Works, Inc. (EWI)



NOT TO SCALE



Well Construction Details Form

DRAWN <u>Bischof</u>	CHECKED _____	APPROVED _____	DATE <u>3/29/19</u>
FILENAME <u>900 N. Campbell Avenue at Central Street, Springfield, MO</u>			

Page 9 of 9

Exhibit B

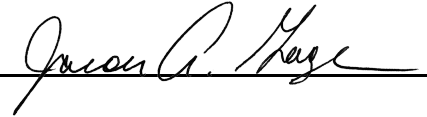
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37

38 Approved as to form: , Assistant City Attorney

39

40

41 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019- 117

FILED: 04-30-19

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Confirming the appointment of Robert Lowe, Jr., to the Southern Hills Community Improvement District Board of Directors. (Staff recommends approval).

BACKGROUND INFORMATION: As required by the petition establishing the Southern Hills Community Improvement District ("CID"), City Council must confirm appointments to the CID Board of Directors. The CID Board of Directors recommends the following appointment to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term Expires</u>	<u>Notes</u>
5	Robert Lowe, Jr.	An owner of real property in the District	4/9/2020	New appointment to remainder of current term

REMARKS: Staff recommends approval.

Submitted by:



Matt D. Schaefer, AICP
Senior City Planner



Mary Lilly Smith, Director



Jason Gage, City Manager

One-rdg. _____
P. Hmgs. _____
Pgs. 10
Filed: 04-16-19

Sponsored by: Lear

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019 - 105

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept the donation of a
2 LiveScan Station, valued at \$18,125.00, from the Missouri Police
3 Chiefs Charitable Foundation.
4 _____
5

6 WHEREAS, the Springfield Police Department ("SPD") applied for a grant,
7 pursuant to Sec. 2-11, from the Missouri Police Chiefs Charitable Foundation
8 ("MPCCF") for the award of a LiveScan Station; and
9

10 WHEREAS, the LiveScan Station is a booking workstation that includes both the
11 hardware and software necessary for law enforcement to electronically collect forensic
12 quality palm prints and fingerprints; and
13

14 WHEREAS, the MPCCF wishes to award one LiveScan Station; and
15

16 WHEREAS, the LiveScan Station is valued at \$18,125.00; and
17

18 WHEREAS, this grant award also provides for a one-year warranty covering the
19 awarded equipment; and
20

21 WHEREAS, SPD has communicated to MPCCF its desire to accept this grant
22 award, subject to the approval of City Council.
23

24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
25 SPRINGFIELD, MISSOURI, as follows, that:
26

27 Section 1 – The City Manager, or his designee, is hereby authorized to accept
28 the award of the a LiveScan Station from the Missouri Police Chief Charitable
29 Foundation.
30

31 Section 2 – The City Manager, or his designee, is further authorized to execute
32 an agreement with MPCCF to accept the award, said agreement to be in substantially
33 the form as the document attached hereto and incorporated by reference as "Exhibit A"

Section 3 – This Ordinance shall be in full force and effect from and after passage.

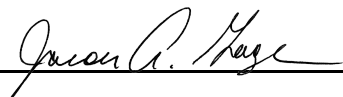
Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 -105

FILED: 04-16-19

ORIGINATING DEPARTMENT: Police

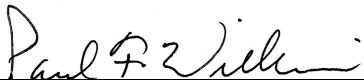
PURPOSE: Authorizing the City Manager, or his designee, to accept the donation of a LiveScan Station, valued at \$18,125.00, from the Missouri Police Chiefs Charitable Foundation.

BACKGROUND INFORMATION: The City currently has a LiveScan Station which was purchased by and is maintained by Municipal Court. This device is nearing the end of its useful life and was due to be replaced in June 2019. Accepting this grant will make that replacement purchase unnecessary.

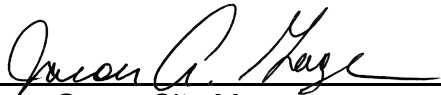
REMARKS: The Police Department will be responsible for the annual maintenance cost of the LiveScan station, eliminating that cost from the Municipal Court budget beginning in Fiscal Year 2019-2020.

Submitted by:

Approved by



Paul F. Williams, Chief of Police



Jason Gage, City Manager



Exhibit A

Missouri Police Chiefs Charitable Foundation

1001 East High Street, Jefferson City, MO 65101 573-636-5444, fax 573-636-6634

Missouri Law Enforcement LiveScan Project Award Letter

Date: February 18, 2019
To: Chief Paul Williams
Springfield Missouri Police Department
From: Sheldon Lineback, MPCCF Executive Director
Equipment: ELSA Live Scan Station
Award Year: FY Fiscal Year 2018
Contract Number: State Appropriation FY 2018 Fiscal Year
Grant Award Amount: \$18,125.00
Equipment Amount: 1

It is our pleasure to inform you that your application for Live Scan Station has been selected for award. This project is funded under the Law Enforcement Terrorism Prevention Program in which the Missouri Police Chiefs Charitable Foundation was selected to manage.

Your agency award includes the following:

ELSA LiveScan Station Cabinet Booking Workstation, Palms and Rolled Fingerprints including:

1. ELSA LiveScan Station Application Software
2. FBI Appendix F Certified Ten-print/Palmprint 500PPI Scanner.
3. Computer, monitor, keyboard
4. Ruggedized Cabinet (fixed-height)
5. FBI Certified Duplex Card printer (Finger & Palm)
6. Foot pedal for hands free advancement
7. Standard Missouri Workflows and Profiles
8. 2-Finger FAST ID
9. Installation/On-site Training
10. Warranty: 1-year on-site Advantage Solution warranty, 9 X 5. Next day on-site response and parts replacement after first year agency is responsible for maintenance.
11. Freight / Standard shipment is 30 days from order.

Missouri Police Chiefs Charitable Foundation will as its deliverables under this award:

1. Will confirm shipping instructions and ship the device to the awarded agency.
2. MPCCF will coordinate with awarded agency in scheduling the installation which will be done by vendor and the Missouri Highway Patrol.
3. The MPCCF will provide a property transfer document for the awarded agency to sign and return to the MPCCF documenting the acceptance and transfer of all equipment relating to this award.
4. The MPCCF will provide a Completed Project Document to the awarded agency for signature upon the installation of the device which will serve to verify that the service is completed and the agency is satisfied with the service provided.

Awarded agency will in accepting this award:

1. Sign this award Letter.
2. Provide the MPCCF the awarded agency contract for this project by completing the (Missouri Law Enforcement LiveScan Project Contact Form) which is attached.
3. Sign the Property Transfer Document upon the receipt of the unit under this project. (This document will be provided during the installation and training.)
4. Agency will utilize, and meet all requirements by policy, state and federal law for the use of the equipment provided by this award.
5. Agency assumes all maintenance, up keep, and operation of all hardware, software, unit, and training as this award is a one- time allocation.
6. If there are repairs requiring replaced or if the system comes to its end of life that the awarded completes and sends an "Equipment Disposition Request Form" to the MPCCF at slineback@mopca.com. (This form is attached to this letter).
7. Agency will comply with all federal, state, local, and administrative laws relating to, but not limited to reporting requirements involving award funds origination.

In affixing the required signatures of the local governmental body and the law enforcement agency agree to the responsibilities and terms of this award.

For the local governmental body and law enforcement agency:

(Applicant Authorized Official)

(Date)

(Applicant Project Director)

(Date)

For the Missouri Police Chiefs Charitable Foundation

(MPCCF Chairman or MPCCF Executive Director)

(Date)

Upon signing this Award Letter, the MPCCF will sign and return a copy to your agency and will establish delivery and installation arrangements with you designated Project Contact. If you choose to decline this award please send an email or letter to Sheldon Lineback, MPCCF Executive Director at the address on this letter or at slineback@mopca.com.



State Appropriation FY 2018

LiveScan AWARD CONTACT FORM

Last Name: _____

First Name: _____

Agency: _____

Address: _____

Phone: _____

Cell/Mobile: _____

Email: _____

Please return to: MPCCF
1001 East High Street
Jefferson City, MO 65101
Fax: (573) 636-6634
Email: slineback@mopca.com

Proof of Acceptance
For Installation of Work Performed

State Appropriation FY 2017

I acknowledge I have examined the installation of LiveScan equipment, received training on its use, and I am satisfied with the work performed and training provided.

Signed: _____

Printed: _____

Date: _____

Agency: _____

Notes:

Missouri Law Enforcement LiveScan Project

State Appropriation FY 2018

Proof of Acceptance

For LiveScan Project

I acknowledge that I am responsible for the items I am picking up from the Missouri Police Chiefs' Charitable Foundation. I cannot and will not hold the Missouri Police Chiefs Charitable Foundation or Missouri Police Chiefs' Association liable for any damaged or missing parts as soon as they leave the care, custody, and control of the Missouri Police Chiefs Charitable Foundation.

Signed: _____

Printed: _____

Date: _____

Agency: _____

Equipment Received:

Equipment Disposition Request Form

Purpose of Disposition of Equipment/Property: When original or replacement equipment acquired with Homeland Security (HS) funds is no longer needed for the original project or program, the equipment may be retained, sold, or disposed, if not needed in any other Federally sponsored program. This form may be utilized to request to remove an equipment item from the inventory:

- 1) The subrecipient must obtain written (email) approval from the Division of Grants prior to disposing of any equipment purchased with HS funds.
 - a. Equipment with the per item fair market value of less than \$5,000.00 may be retained, sold, or disposed with no further obligation to the awarding agency.
 - b. Equipment with a per item fair market value of \$5,000.00 or more may be retained or sold. If sold, the awarding agency (OHS) shall have a right to the fair market value proceeds from the sale of the equipment.
 - c. See [2 CFR 200.313 Equipment and other capital expenditures](#), and the Missouri Office of Homeland Security, Division of Grants, Local and State Assistance Administrative Guide for Homeland Security Grants.
- 2) This form along with the approval will need to be maintained in the subrecipient grant files.
- 3) If requesting disposition of multiple equipment items at one time you may attach a spreadsheet that includes all if the information below. Also select, See attached ☐

Requestor Name:	Job Title:	Agency:	Phone Number:	Signature:	Date:
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.		Click here to enter a date.

Equipment Detail:

Region:	Choose an item.	County:	Click here to enter text.	
Fiscal Year Purchased:	Click here to enter text.	Grant Program:	Choose an item.	
Title Holder Agency:	Click here to enter text.	Equipment Location:	Click here to enter text.	
Equipment Description:	Click here to enter text.	Manufacturer and Model:	Click here to enter text.	
Identification Number/Serial Number:	Click here to enter text.	Quantity:	Click here to enter text.	
Acquisition Cost:	Click here to enter text.	Acquisition Date:	Click here to enter text.	
Current Market Value:	Click here to enter text.	% of Federal funds used in acquisition:	Click here to enter text.	
Requested Method of Disposition:	Click here to enter text.			
Reason for Retirement: (Check appropriate box and not comments below)	☐	Expired (past useful shelf life)	☐	Missing or lost
	☐	Obsolete (not in use)	☐	Transferred
	☐	Disposed or discarded	☐	Stolen
	☐	Damaged or destroyed	☐	Other
	☐	Replaced (list new description, model, & serial number in comments box)		

Comments	Click here to enter text.
----------	---------------------------

Approvals: The following approvals must be obtained before retirement of equipment is granted. *Each party should retain a copy*

Homeland Security Grant Program LETPA Project Director

Name	Title	Phone	Signature	Date
Click here to enter text.	Click here to enter text.	Click here to enter text.		

OHS Approval

Name	Title	Phone	Signature	Date
Click here to enter text.	Click here to enter text.	Click here to enter text.		

One-rdg. _____
P. Hmgs. _____
Pgs. 6
Filed 04-16-19

Sponsored by Simpson

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 106

SPECIAL ORDINANCE _____

AN ORDINANCE

1 APPROVING the conveyance of real property generally located at 3044 East
2 Gasconade Street, to the heirs of Velmar M. Hill; and authorizing the
3 issuance of a quit claim deed for same.
4 _____
5

6 WHEREAS, the City acquired the real property generally located at 3044 East
7 Gasconade Street through sewer tax bill collection; and
8

9 WHEREAS, total acquisition costs, including legal costs, were \$2,152.17; and
10

11 WHEREAS, Ronald Hill, an heir to Velmar Hill, satisfied the City's default
12 judgment in the amount of \$2,225.04, which includes interest, on April 1, 2019; and
13

14 WHEREAS, disposition of real property calls for City Council approval.
15

16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
17 SPRINGFIELD, MISSOURI, as follows, that:
18

19 Section 1 – City Council hereby approves the conveyance of the property
20 generally located at 3044 East Gasconade Street and depicted on “Exhibit A,” which is
21 attached hereto and incorporated herein by this reference, to the heirs of Velmar M. Hill.
22

23 Section 2 – City Council hereby authorizes the Mayor to execute a Quit Claim
24 Deed, said Quit Claim Deed to be in substantially similar form as that document
25 attached hereto and incorporated herein by reference as “Exhibit B.”
26

27 Section 3 – This Ordinance shall be in full force and effect from and after
28 passage.
29

30 Passed at meeting: _____
31
32
33

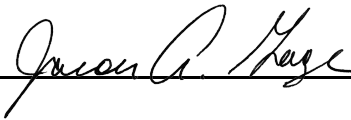
Mayor

34
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43

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL 2019 - 106

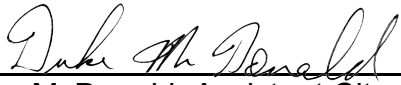
FILED: 04-16-19

ORIGINATING DEPARTMENT: Law

PURPOSE: Approving the conveyance of real property generally located at 3044 East Gasconade Street, to the heirs of Velmar M. Hill; and authorizing the issuance of a quit claim deed for same.

BACKGROUND INFORMATION: The City acquired the property generally located at 3044 East Gasconade Street (the "Property"), through sewer-tax-bill collection. Total acquisition costs, including legal costs, sewer tax bill costs, etc., were \$2,152.17. Ronald Hill, an heir to Velmar Hill, paid the amount of \$2,225.04, which includes interest, on April 1, 2019. Due to the satisfaction of the City's default judgment, the title to the Property shall return to the Heirs of Velmar M. Hill, owner of record at the time of sheriff's sale. A real-estate conveyance requires City Council's approval.

Submitted by:



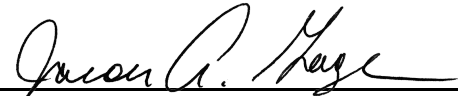
Duke McDonald, Assistant City Attorney

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Jason Gage, City Manager



City of Springfield, Missouri
3044 E. Gascondae

Exhibit A



Page 4 of 6



Printed: Apr 03, 2019

DISCLAIMER: All information included on this map or digital file is provided 'as-is' for general information purposes only. The City of Springfield, and all other contributing data suppliers, make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the data for any particular use. Furthermore, the City of Springfield, and all other contributing data suppliers, assume no liability whatsoever associated with the use or misuse of the data.

QUIT CLAIM DEED

THIS DEED, effective as of the _____ day of _____, 2019, by and between, **City of Springfield, Missouri**, a municipal corporation, Grantor, and **Heirs of Velmar M. Hill**, Grantee, at 3044 E. Gasconade, Springfield, MO 65804.

WITNESSETH, that the Grantor, for valuable consideration, to it paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does by these presents REMISE, RELEASE, and FOREVER QUIT CLAIM unto the Grantee, the following described lots, tracts, or parcels of land lying, being, and situated in the County of Greene and State of Missouri to-wit:

All of Lot 8, Block B, Park View Place Addition, a subdivision in Springfield, Greene County, Missouri, according to the recorded plat thereof; addressed as 3044 E. Gasconade.

Parcel Number: 88-19-09-110-033

RESERVATION: Grantor reserves unto itself all easements, rights of way, and other such holdings, if any, Grantor held before December 17, 2018. On such date, Grantor acquired the above-described property by "Sheriff's Deed" recorded in Book 2019, Page 000790-19 of the records of the Greene County, Missouri Recorder of Deeds. Grantee may not cause any building or other structure to be erected on such easements, rights of way, and other such holdings herein reserved without the express approval of the Grantor. The easements, rights of way, and other such holdings shall run with the land and are binding upon Grantee and Grantee's heirs, successors, and assigns forever.

SUBJECT TO: (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges, and appurtenances thereto belonging, unto the Grantee and unto Grantee's heirs and assigns forever; so that neither the Grantor nor Grantor's heirs or assigns, nor any other person or persons, for whom or in whose name or behalf, will hereinafter claim or demand any right or title to the described premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, The Grantor has caused these presents to be signed as of the day and year first above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: _____
Ken McClure, Mayor

Attest:

Anita J. Cotter, City Clerk

STATE OF MISSOURI)
)
COUNTY OF GREENE)

ACKNOWLEDGMENT

On this ____ day of _____, 2019, before me personally appeared _____, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this ____ day of _____, 2019.

Notary Public

My term of office expires: _____