



Springfield Planning and Zoning Commission

City Council Chambers (830 N. Boonville)

Date: January 12, 2023

Time: 6:30 p.m.

Members: Britton Jobe (Vice-Chair), Natalie Broekhoven, Bruce Colony, Bill Knuckles, Christopher Lebeck, Eric Pauly, Helen Gunther, Betty Ridge, and Dan Scott

This meeting will be conducted both at 830 N. Boonville Ave. and electronically. The public may observe, physically attend (the number of people gathered will be limited with physical distancing requirements applied) or view at

<http://cityview.springfieldmo.gov/live stream/>.

1. ROLL CALL

2. APPROVAL OF MINUTES

December 15th, 2022

Documents:

[PZ MINUTES 12-15-2022.PDF](#)

3. COMMUNICATIONS

City Council Summary December 12th, 2022

Documents:

[NA12-12-22.PDF](#)

4. CONSENT ITEMS

5. UNFINISHED BUSINESS

6. Z-27-2022 W/COD #220

1739, 1745, 1755 South National Avenue and 1111, 1119, 1133, and 1141 East Sunshine Street and 1138 East University Street; BK&M, LLC

Documents:

[Z-27-2022 COD 220 POSTPONE MEMO.PDF](#)

7. PUBLIC HEARINGS

8. Planned Development 383

739 West TaImage Street; Baptist Temple of Springfield

Documents:

[PD 383 STAFF REPORT.PDF](#)

9. Vacation 826

1720 West Grand Avenue; Advocates for Healthy Community, Inc.

Documents:

[VAC 826 SR.PDF](#)

10. OTHER BUSINESS

11. Comprehensive (Recreational) Marijuana Amendments

Citywide, City of Springfield

Documents:

[MARIJUANA AMENDMENTS SR.PDF](#)

12. Home Occupation Amendments

Citywide, City of Springfield

Documents:

[HOME OCCUPATION AMENDMENTS POSTPONE MEMO.PDF](#)

13. Initiate Amendments To The Rules Of Procedure For Planning And Zoning

City of Springfield

Documents:

[MEMO TO CHANGE RULE OF PROCEDURE OF PZ.PDF](#)

14. 2023 Election Of Officers

City of Springfield

15. ADJOURN

Footer

PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCESS IN RESPONSE TO COVID-19
Citizens who have experienced any of the following, will not be allowed inside City Hall:
• Flu-like symptoms
• Respiratory illness (cough, difficulty breathing)
• Fever
• Travelled in the past 14 days to an affected area
• Been exposed to someone who has travelled to an affected area
• Been exposed to someone who has been evaluated for the illness or confirmed illness

The Planning and Zoning Commission meeting can be viewed on Mediacom cable channels 15.1, 22 and 80 and AT&T Uverse channel 99, or viewed online at Cityview.springfieldmo.gov/livestream. The meetings are also livestreamed on the @CityofSgffacebook page.

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. **Please fill out a Speaker Card. When you address Commission, please step to the microphone at the podium and state your name and address.** All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

December 15, 2022
MINUTES OF THE PLANNING AND ZONING COMMISSION
Springfield, Missouri

The Planning and Zoning Commission met in regular session in the City Council Chambers.

Roll Call - Present: Britton Jobe (Vice-Chairman), Bruce Colony, Christopher Lebeck, Natalie Broekhoven, Eric Pauly, Betty Ridge, Helen Gunther, and Dan Scott. Absent: Bill Knuckles. Staff in attendance: Bob Hosmer, Planning Manager, Susan Istenes, Planning Director, Jill Burris, Assistant City Attorney

MINUTES: The minutes of November 17, 2022, were approved.

COMMUNICATIONS: Bob Hosmer reported on City Council meeting actions and introduced new members of the Commission.

Move agenda item #11 (Z-27-2022 w/COD #220) to item #8 (Christopher Lebeck recused himself).

Z-27-2022 w/COD #220

1739, 1745, 1755 South National Avenue and 1111, 1119, 1133, and 1141 East Sunshine Street and 1138 East University Street

Applicant: BK&M, LLC

COMMISSION ACTION:

Mr. Colony motioned to **move** Z-27-2022 w/COD #220 (1739, 1745, 1755 South National Avenue and 1111, 1119, 1133, and 1141 East Sunshine Street and 1138 East University Street) from #11 to #8 on the agenda. Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles. Christopher Lebeck recused himself.

CONSENT ITEMS:

Relinquishment of Easement 932

304 West Weaver Road

Applicant: HGW Properties, LLC

COMMISSION ACTION:

Mr. Colony motioned to **approve** Relinquishment of Easement 932 (304 West Weaver Road). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

UNFINISHED BUSINESS:

PUBLIC HEARINGS:

Z-27-2022 w/COD #220

1739, 1745, 1755 South National Avenue and 1111, 1119, 1133, and 1141 East Sunshine Street and 1138 East University Street

Applicant: BK&M, LLC

Applicant has requested to postpone this to the January 12, 2023, Planning and Zoning meeting. (Mr. Lebeck has recused himself)

COMMISSION ACTION:

Ms. Broekhoven motioned to **postpone** Z-27-2022 w/COD #220 (1739, 1745, 1755 South National Avenue and 1111, 1119, 1133, and 1141 East Sunshine Street and 1138 East University Street) to January 12, 2023. Mr. Colony seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles. Christopher Lebeck recused himself.

Z-28-2022

6621 South Innovation Avenue

Applicant: Kenneth L & Helen Stoddard Et Al

Mr. Hosmer stated that this is a request to rezone approximately 27.05 acres of property generally located at 6621 S. Innovation Avenue from Greene County A-1 to GI, Government and institutional use district as part of the proposed annexation of this property (A-01- 2023). Staff recommends approval.

Mr. Scott asked about considering the right-of-way on the east side.

Mr. Hosmer noted that it will happen during the subdivision activity.

Mr. Jobe opened the public hearing.

Mr. Ricky Haase, 550 E. St. Louis noted that there were no attendees at the neighborhood meeting and one in-favor comment, and this will require a cul-de-sac.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-28-2022 (6621 South Innovation Avenue). Mr. Lebeck seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

Z-29-2022

4121 South Cox Avenue

Applicant: The Harold E. Johnson Companies, Inc.

Mr. Hosmer stated that this is a request to rezone approximately 1.15 acres of property generally located at 4121 S. Cox Avenue from GR, General retail district to CS, Commercial service district and establishing Conditional Overlay District No. 221. Staff recommends approval.

Mr. Scott asked about spot zoning and noted that it is discouraged in other cities.

Mr. Hosmer stated that this is not spot zoning, will still be commercial, however more intense, just different uses.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive, representing the owner and this property will be leased to a company that leases hospital beds.

Mr. Larry Moore, 15220 N. Rt. U, property owner and here to answer any questions.

Mr. Colony asked if it is the owner's intent to lease the property.

Mr. Moore noted that they are leasing the property.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-29-2022 (4121 South Cox Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

Z-30-2022

830 North Benton Avenue

Applicant: Drury University

Mr. Hosmer stated that this is a request to rezone approximately 0.45 acres of property generally located at 830 N. Benton Avenue from GR, General Retail District to GI, Government and institutional use district. Staff recommends approval.

Mr. Scott asked about the possible demolition of the building (church) and if it can be prevented.

Mr. Hosmer stated that there is a 60 day of cooling for demolition but believes that the building is safe, and they want to rehab it to be ADA approved.

Ms. Ridge noted she would like the building to be preserved.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive, representing Drury and they want to bring it into conformity by preserving the church (was given to Drury University) and will be ADA compliant and here to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Z-30-2022 (830 North Benton Avenue). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

OTHER BUSINESS:

Preliminary Plat of Porters Crossing Subdivision

543 West Old Weaver Road

Applicant: Burning Tre Consulting, LLC

Mr. Hosmer stated that this is a request to approve a two-lot commercial plat on approximately 3.68 acres of land generally located at 543 West Old Weaver Road. Staff recommends approval.

Mr. Colony asked about storage facilities.

Mr. Hosmer noted that there was just a zoning case, and this is just the plat to divide the property.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive noted that this was part of a zoning case in 2014 and now wanting to subdivide approximately 3.68 acres into two lot subdivisions and here to answer any questions.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Preliminary Plat of Porters Crossing Subdivision (543 West Old Weaver Road). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

Preliminary Plat of Campbell Acres Subdivision
3543 South Campbell Avenue

Applicant: South Campbell, LLC

Mr. Hosmer stated that this is a request to approve a three-lot commercial/residential plat on approximately 15.07 acres of land generally located at 3525, 3543, and 3553 South Campbell Avenue. Staff recommends approval.

Mr. Pauly asked about sinkholes on the property.

Mr. Chris Dunnaway noted that it is located on a sinkhole water shed, but not on the site

Mr. Scott asked about the lot lines and possible non-confirming use.

Mr. Hosmer noted that the lot line is already there and has been reviewed by Fire, Building Development Services, etc.

Mr. Chad Zickefoose noted to clarify that the 3 existing lot lines run depth of the property.

Mr. Jobe opened the public hearing.

Mr. Daniel Richards, 1200 E. Woodhurst Drive noted that the property was never formally subdivided, the three lot lines are remaining, but are planning on selling off the north part of the property.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** Preliminary Plat of Campbell Acres Subdivision (3543 South Campbell Avenue). Mr. Pauly seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

Street Name Change 81

West 3100 blk through east 3600 blk of Republic Street

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to address the west 3100 block through the east 3600 block of Republic Street to Road. (Between Golden Avenue and Highway 65). Staff recommends approval. Mr. Hosmer also noted that the presentation (graphics) shown had errors and corrected as he presented.

Mr. Jobe opened the public hearing.

No speakers.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Street Name Change 81 (West 3100 blk through east 3600 blk of Republic Street). Ms. Broekhoven seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

Initiate Comprehensive (recreational) Marijuana Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to Initiate Text Amendments to sections in Chapter 36 of the Land Development Code relating to the Missouri Constitution allowing comprehensive (recreational) marijuana. Staff recommends approval.

Mr. Jobe opened the public hearing.

No speakers.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Mr. Colony motioned to **approve** Initiate Comprehensive (recreational) Marijuana Amendments (Citywide). Mr. Pauly seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.

2023 Planning and Zoning Commission Calendar

Applicant: City of Springfield

Mr. Hosmer presented the 2023 Planning and Zoning Commission calendar.

Mr. Jobe opened the public hearing.

No speakers.

Mr. Jobe closed the public hearing.

COMMISSION ACTION:

Ms. Broekhoven motioned to **approve** 2023 Planning and Zoning Commission Calendar. Mr. Lebeck seconded the motion. Ayes: Jobe, Colony, Broekhoven, Pauly, Lebeck, Ridge, Gunther, and Scott. Nays: None. Abstain: None. Absent: Knuckles.



Noted Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Ken McClure, Mayor

Zone Councilmembers

Monica Horton, Zone 1
Abe McGull, Zone 2
Mike Schilling, Zone 3
Matthew Simpson, Zone 4

General Councilmembers

Heather Hardinger, General A
Craig Hosmer, General B
Andrew Lear, General C
Richard Ollis, General D

**Upcoming Council Meeting Agenda
December 12, 2022 - 6:30 p.m.**

Speakers must sign up with the City Clerk to speak to a Council Bill on the agenda.

Speakers must sign up with the City Clerk no later than 5:00 p.m. on the Friday before the meeting to speak to an issue not on the agenda.

**Citizens wishing to submit comments to City Council may do so
at <https://www.springfieldmo.gov/FormCenter/City-Council-6/Citizen-Comment-Form-for-Regular-Springf-368>.**

Speakers are to limit their remarks to three to five minutes based on City Council's policy regarding the number of speakers.

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

1. ROLL CALL.

**Approved as
Presented**

2. APPROVAL OF MINUTES. NOVEMBER 28, 2022, CITY COUNCIL MEETING, THE NOVEMBER 29, 2022, SPECIAL CITY COUNCIL MEETING, AND THE DECEMBER 6, 2022, SPECIAL CITY COUNCIL MEETING.

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 -1651 at least three days prior to the scheduled meeting.

Approved as
Presented

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. **CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETINGS.**
6. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted On.**

Tabled until the
1-09-23 City
Council
Meeting

7. **Council Bill 2022-276 (Simpson) (Tabled until the 1-09-23 City Council Meeting.)**

A special ordinance granting Conditional Use Permit No. 470 for the purpose of permitting an eating and drinking establishment use group, including drive-in, pick-up window, or drive-thru facilities, as a conditional use within the LB – Limited Business District, with Conditional Overlay District No. 207, generally located at 404, 420, and 424 East Sunshine Street. (Planning and Zoning Commission recommends denial and staff recommends approval.) (By: Reding Management and Redec, LLCs; 404, 420, & 424 E. Sunshine Street; Conditional Use Permit 470.)

27781

8. **Council Bill 2022-287 (Hosmer)**

A special ordinance amending the Rules and Regulations for the Comprehensive Housing Assistance Program to include revisions necessary to match the regulations of the United States Department of Housing and Urban Development, to allow the Director of Planning and Development and the Loan Committee certain flexibility when dealing with various issues arising under the City's loan programs, to include the ability to acquire existing occupied housing, and to allow for annual adjustments to loan interest rate. (Planning staff and the Loan Committee recommend approval.)

27782

9. **Council Bill 2022-288 (Schilling)**

A special ordinance approving the plans and specifications for the Jefferson Avenue Streetscape improvement; accepting the bid of KCI Construction Company in the amount of \$1,797,790 for said improvements; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

6765

10. **Council Bill 2022-289 (Lear)**

A general ordinance amending the Springfield City Code, Section 2-92, known as the 'Salary Ordinance,' relating to salary grades for various job titles within the City service as contained in the Crafts, Trades and Labor Union Schedule, the Fire Protection Union Schedule, and the Professional, Administrative, and Technical Non-Union Schedule by adding eleven (11) new job titles and deleting two (2) job titles; and amending the Fiscal Year 2022-2023 budget to adjust the authorized employee positions in the Department of Human Resources and Department of Environmental Services by adding one new Full Time Equivalent position to each respective department.

27783

11. Council Bill 2022-290 (Ollis)

A special ordinance approving the plans and specifications for the Sanitary Sewer Overflow Control Program, Group 7 Public Sewer Rehabilitation – Open Cut Repairs project; accepting the bid of Rosetta Construction, LLC, in the amount of \$4,059,920 for the project; authorizing the City Manager, or his designee, to enter into a contract for said project; and approving a budget adjustment in the amount of the bid, plus a contingency, to amend the Fiscal Year 2022-2023 budget of the Department of Environmental Services Clean Water Enterprise Fund by appropriating reserves of said fund in the amount of \$4,871,904.

27784

12. Council Bill 2022-291 (Hardinger)

A special ordinance authorizing the City Manager, or his designee, to enter into a Contract of Obligation with the Missouri Department of Natural Resources whereby the City agrees to financially secure the future closure and post-closure care of all currently active and previously completed portions of the City's Noble Hill Sanitary Landfill.

27785

13. Council Bill 2022-292 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into a land lease agreement with the Watershed Committee of the Ozarks, Inc., for the lease of a four-acre parcel of land near the Southwest Wastewater Treatment Plant and Yardwaste Recycling Center.

14. RESOLUTIONS. Citizens May Speak. May Be Voted On.

10672

15. Council Bill 2022-295 (Simpson)

A resolution declaring the intent of the City of Springfield to annex approximately 27 acres of private property generally located at 6621 South Innovation Avenue, and referenced as Annexation A-1-2023, into the City. (Staff recommends approval.)

16. EMERGENCY BILLS.**17. PUBLIC IMPROVEMENTS.****18. GRANTS.****19. AMENDED BILLS.**

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

21. Council Bill 2022-296 (McGull)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.32 acre of property generally located at 1708 South Sieger Drive from R-SF, Single-family Residential District, to O-1, Office District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: School For Investors LLC; 1708 S. Sieger Drive; Z-25-2022.)

22. Council Bill 2022-297 (Schilling)

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits;' and amending Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones;' for the purpose of annexing approximately 1.14 acres of private property and 0.38 acres of public street right-of-way, generally located at 354 West Buena Vista Street, and referenced as Annexation A-4-2022, into the City of Springfield. (By: Hale Real Estate, LLC; 354 W. Buena Vista Street; A-4-2022.)

23. Council Bill 2022-298 (Schilling)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.15 acres of property generally located at 354 West Buena Vista Street from Greene County C-2 to GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: Hale Real Est LLC; 354 W. Buena Vista Street; Z-26-2022.)

24. Council Bill 2022-299 (McGull)

A general ordinance amending the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the 3100-3399 block of North Mulroy Road to North Beaver Road. (Staff and Planning and Zoning Commission both recommend approval.) (By: Buc-ee's; 3100-3399 block of North Mulroy Road; Street Name Change No. 80.)

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

26. Council Bill 2022-300 (McClure)

A special ordinance approving the Fourth Amendment to the Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter; authorizing the Mayor to execute such Amendment; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions of the Fourth Amendment.

27. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**Appeared**

Allen Kunkel wishes to address City Council.

28. NEW BUSINESS.**29. UNFINISHED BUSINESS.****30. MISCELLANEOUS.****31. CONSENT AGENDA – FIRST READING BILLS. See Item #3.****32. Council Bill 2022-301(Hardinger)**

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Branson Vacation Radio for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

33. Council Bill 2022-302 (Hosmer)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Gray Media Group, Inc., dba KYTV, for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

34. Council Bill 2022-303 (Lear)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and NEXSTAR Media Group, Inc., dba KOZL, for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

35. Council Bill 2022-304 (Ollis)

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the Missouri Highways and Transportation Commission and Queen B Television of Kansas/Missouri LLC dba KOAM/KFJX for the purpose of sharing video from the closed-circuit television traffic monitoring cameras owned and operated by Missouri Department of Transportation and the City of Springfield.

36. CONSENT AGENDA – ONE READING BILLS.**37. CONSENT AGENDA – SECOND READING BILLS. See Item #3.****27786****38. Council Bill 2022-293 (Hardinger)**

A special ordinance authorizing the City Manager to execute an amendment to the Memorandum of Understanding between the City of Springfield, City Utilities of Springfield, Greene County, and the Missouri Department of Public Safety regarding the Missouri Statewide Interoperability Network Zone Four partnership.

27787

39. Council Bill 2022-294 (McClure)

A special ordinance authorizing the City Manager, or his designee, to accept grant funds in the amount of \$5,000 from the Musgrave Foundation, administered by the Community Foundation of the Ozarks, to help fund the 2022 Kindergarten Readiness Study conducted by the Mayor's Commission for Children in collaboration with Missouri State University.

Confirmed

- 40.** Confirm the following appointment to the Springfield Convention & Visitors Bureau, Inc.: Darline Mabins with term to expire January 1, 2026.

Confirmed

Confirm the following reappointments to the Springfield Convention & Visitors Bureau, Inc.: Bill Hobbs and Laura Head-Elliott with terms to expire January 1, 2026.

Confirmed

Confirm the following appointment to the Citizens' Tax Oversight Committee: Dr. Keri Franklin with term to expire May 1, 2025.

Confirmed

Confirm the following reappointment to the Board of Public Utilities: Louise Knauer with term to expire December 1, 2025.

Confirmed

Confirm the following appointments to the Board of Public Utilities: Steve Dooley with term to expire December 1, 2025; Dr. Alina Lehnert with term to expire December 1, 2024.

41. END OF CONSENT AGENDA.**42. ADJOURN.**

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW OFFICE
MEMORANDUM**

DATE: January 9, 2023

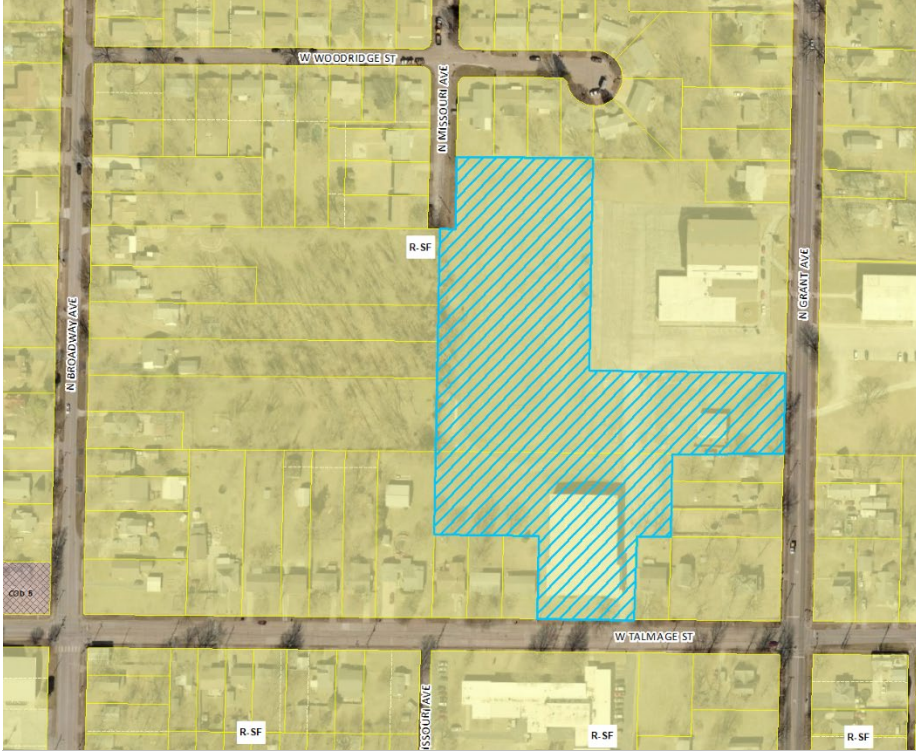
TO: Planning and Zoning Commission

FROM: Daniel Neal
Senior Planner

SUBJECT: Zoning Case Z-27-2022 COD #220

This case is postponed to the Planning and Zoning Commission meeting on February 9, 2023.

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING:	JANUARY 12, 2023
CITY COUNCIL PUBLIC HEARING:	FEBRUARY 6, 2023
	CASE NUMBER: Planned Development No. 383
	LOCATION: 739 W. Talmage Street
	ACRES: 6.4 acres
	EXISTING LAND USE: Undeveloped land, unused church gymnasium
	APPLICANT: Baptist Temple of Springfield
	STAFF: Kyle McGinnis, Senior Planner 864-1615
STAFF RECOMMENDATIONS: Approve	
PROPOSED MOTION: Move to approve as submitted in the staff report.	
REQUIRED VOTE: A majority of those present (5 members are a quorum).	
SUMMARY OF REQUEST:	

Request to rezone approximately 6.4 acres of property generally located at 739 W. Talmage Street from R-SF, Single-family residential district to Planned Development No. 383 to allow for the construction of single-family homes and the adaptive reuse of an existing nonresidential structure for multifamily use.

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Future Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.
2. The proposed Planned Development No. 383 is split into two parts, Areas A and B. Area A includes the adaptive reuse of the existing gymnasium along W. Talmage Street; the existing structure will remain and infill work will be completed to transform the interior into multifamily housing with both indoor and outdoor amenities for future residents, including an indoor fitness area and laundry facilities, as well as outdoor off-street parking, a playground, a dog park, a resident pavilion, and a grill. The applicant has proposed a total of 33 dwelling units within the existing structure, to include 16 efficiency units, 10 one-bedroom units, and seven two- to three-bedroom units. With an area of just over two acres, the density for Area A is approximately 15.7 dwelling units per acre, making the residential density comparable to that permitted by the R-LD, Low-density multifamily residential district, which caps its residential density to no more than 18 dwelling units per acre.

Development Review Staff Report



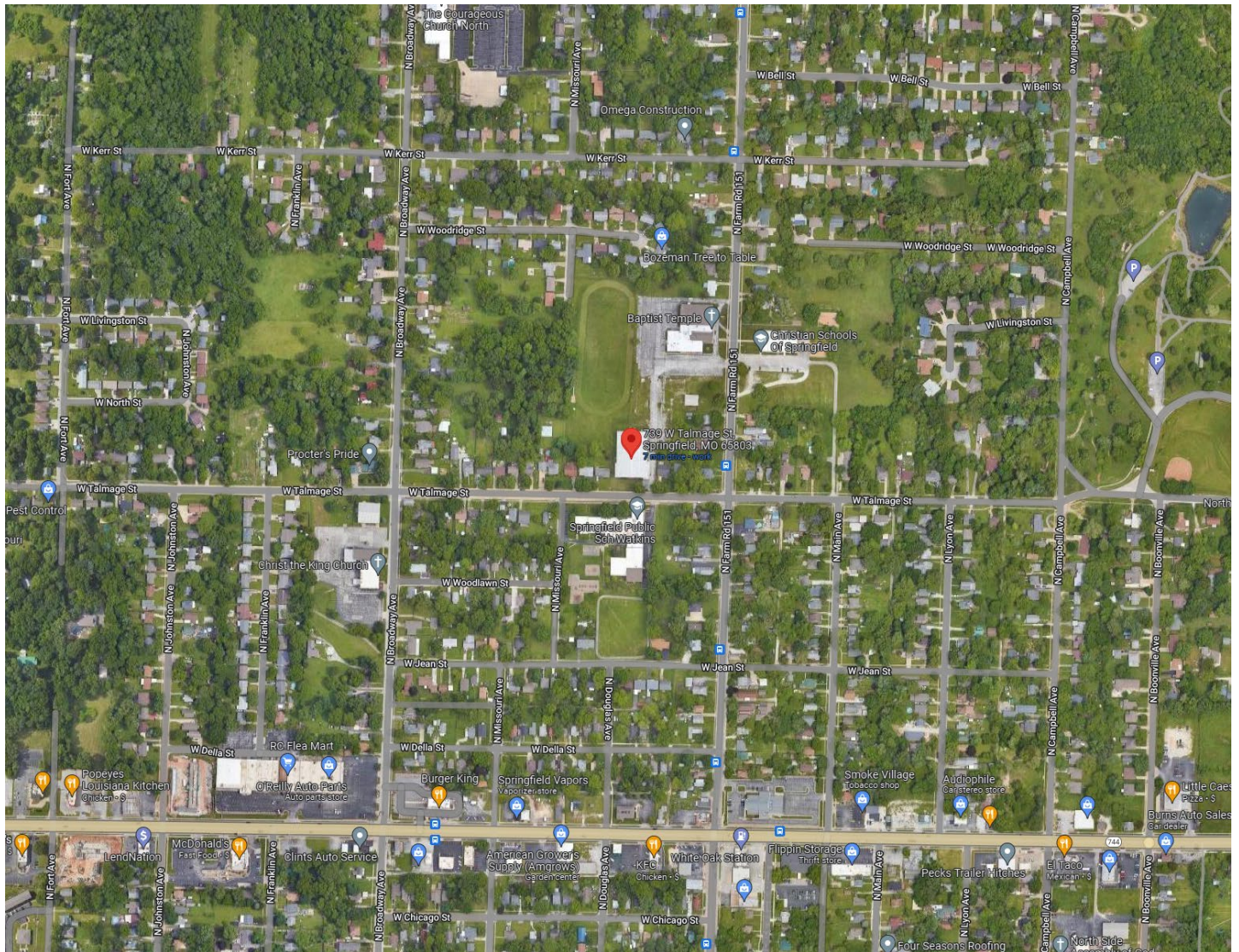
3. Area B, which is situated west and south of the Baptist Temple of Springfield's vehicular use area, will be developed to accommodate single-family detached dwellings, all of which will be included within an associated condominium plat, with each future home contained within an individual condominium unit. Area B will share the same outdoor amenities with Area A, listed above, and will connect to Area A via a private drive. The applicant has proposed a total of 22 single-family homes in Area A, spread across over four acres of land for a density of 5.1 dwelling units per acre. This density is below the maximum density permitted within the R-SF, Single-family residential district, which caps its residential density to no more than seven dwelling units per acre.
4. Combining the land area of both Areas A and B yields a total of 6.4 acres of land. Combining the dwelling unit subtotals of both Areas A and B results in a proposed total of 55 dwelling units. The resulting density for the entire development equals 8.6 dwelling units per acre, a density permitted within the R-TH, Residential townhouse district which caps its residential density to no more than 11 dwelling units per acre. For context, the least dense residential district, the R-SF, Single-family residential district, permits up to seven dwelling units per acre.
5. The proposed development will have two accesses to public right-of-way. The first will be taken from N. Missouri Avenue; the developer has agreed to complete public improvements to this dead-end street, from which Area B will take access. The second will be taken from W. Talmage Street, where an existing access drive is already located. Residents from either subarea of Planned Development No. 383 will be able to access public right-of-way via either access point.
6. Approval of this application will facilitate the development of this property and promote infill development where investments have already been made in public services and infrastructure.
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. The subject property has access to public sewer; each condominium unit will be served by private sewer which will not be maintained by the City of Springfield. Details regarding the private sewer will be further discussed via a final plat, the subdivision's future covenants, or both.
9. Public Works – Traffic has noted the need for additional right-of-way along N. Grant Avenue, a sidewalk requirement along both W. Talmage Street and N. Missouri Avenue, and a requirement for the extension of N. Missouri Avenue to the southern limits of the existing right-of-way, including the construction of an approved turn around. Based on their traffic counts, the proposed development is anticipated to generate an additional 84 trips during the AM peak hours and an additional 102 trips during the PM peak hours, for a total of 1,152 additional daily trips generated as a result of this development.
10. The subject property is not currently served by stormwater infrastructure; however, in response to community and staff concerns regarding flooding in this area, the applicant has proposed stormwater detention up to 120% of the standard detention requirements. The detention areas will be located in the open space to the west of the existing gymnasium.
11. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	R-SF	R-SF	R-SF
LAND USE	Single-family homes, church	Single-family homes, elementary school	Single-family homes, church	Single-family homes

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SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):



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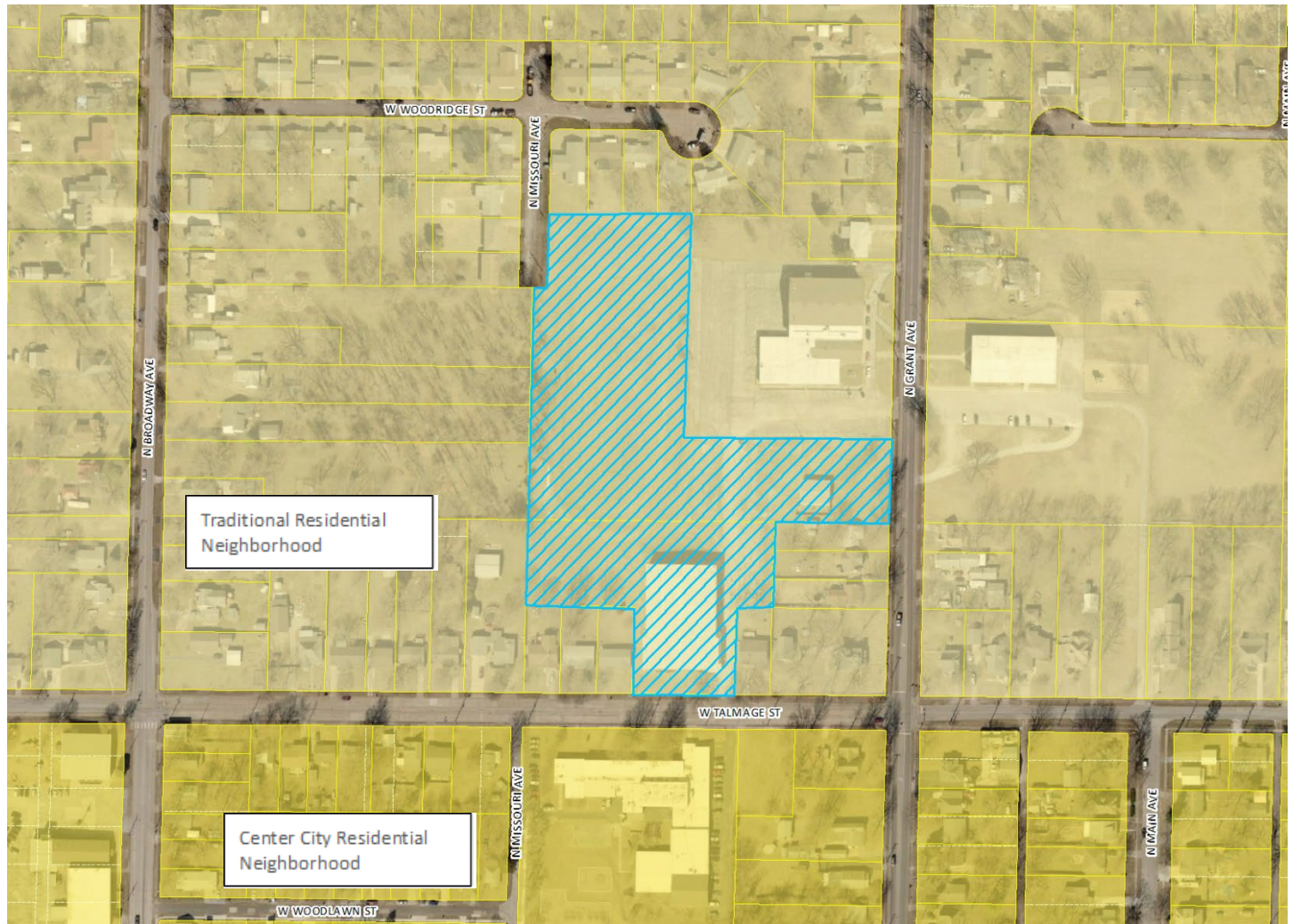


GOOGLE MAPS STREET VIEW:



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FORWARD SGF PLACETYPES:



City Placetypes

- City Corridor
- Downtown
- Traditional Residential Neighborhood
- Center City Residential Neighborhood
- Industry_Logistics
- Institutional_Employment Center
- Mixed Residential
- Mixed Use
- Business Flex
- Urban Green Space_Recreation

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PROPERTY HISTORY:

This property was zoned R-SF, Single-family residential district during the city-wide remapping in 1995, and has retained its R-SF zoning designation since that time.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR PD No. 383
Use Limitations	The only principal uses to be permitted will include the adaptive reuse of the gymnasium in Area A to accommodate multifamily housing not to exceed 15.7 dwelling units per acre for a total of 33 dwelling units and detached single-family homes in Area B not to exceed 8.6 dwelling units per acre for a total of 22 single-family homes. Accessory uses, such as the proposed outdoor recreational amenities and off-street parking, will also be permitted.
Maximum Structure Height	This is not applicable to Area A, as the gymnasium already exists and its height will not be altered. In Area B, the applicant has proposed a maximum structure height of 35 feet, matching the limitation imposed on single-family homes in the R-LD district whose side yards are less than 15 feet wide.
Front Yard Setback	This is not applicable to Area A. For the single-family homes in Area B, all future homes must be setback at least 20 feet from their front condominium lines along the interior circulation drive.
Side and Rear Setbacks	This is not applicable to Area A. For the single-family homes in Area B, all future homes must be setback at least five feet from each side condominium line, and setback at least 20 feet from each rear condominium line.
Open Space Requirement	Both Areas A and B will have the same minimum open space requirement of 20%, to be calculated separately for each area using the total land area contained within each (e.g. at least 20% of all of Area A must be maintained as open space). This requirement is equivalent to the open space required for development in the R-LD district.
Design Requirements	This is not applicable to Area A. For the single-family homes in Area B, the applicant has proposed limitations on the exterior materials to be used so as to be more compatible with those materials commonly found throughout the site's surroundings.
BULK PLANE	LANDSCAPING
This is not applicable to either Area A or B. Area A's existing gymnasium will not be structurally altered so as to change its height, while the single-family homes of Area B will be limited to a maximum height of 35 feet, as measured from finished grade.	Bufferyard C will be required where adjacent to property zoned R-SF, where existing conditions allow. Where existing conditions would not permit the installation of the standard bufferyard C, a reduced bufferyard, prescribed via Section 36-482 (16) shall apply instead. The interior and

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perimeter landscaping requirements of Section 36-482 (9) shall apply to all vehicular use areas.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Comprehensive Plan's Land Use & Development* chapter groups this area into the Traditional Neighborhood Placetype. This placetype is predominately comprised of single-family detached residential dwellings with generally uniform setbacks, building designs, and parcel sizes. Planning within this placetype is intended to improve the neighborhood's quality of place, which can be achieved through a number of strategies including beautification efforts via streetscaping, increasing access and connections with nearby greenway or trail systems, and supporting low-intensity multifamily uses, low-intensity neighborhood commercial uses, or a mix of uses to serve area residents. Multifamily uses are meant to be located along higher classification roadways, near greenways or trails, or in areas identified by residents during the neighborhood planning process. The preservation of residential housing and housing patterns is meant to be prioritized where lots are predominately accessed from side or internal local streets. Furthermore, redevelopment efforts including higher-density housing or commercial uses are to be limited to areas adjacent to identified activity centers, where the redevelopment's anticipated traffic and circulation will not negatively affect the adjoining neighborhood.

Both Areas A and B propose residential densities comparable or even less intense than the R-LD, Low-density multifamily residential district, which permits no more than 18 dwelling units per acre. Area A contains the higher density of the two subareas, with a proposed density of 15.7 dwelling units per acre based on this subarea's acreage. In general alignment with the recommendations of the *Comprehensive Plan*, this area of higher residential density is situated along the periphery of the overall development, fronting on a Collector roadway (W. Talmage Street) on which it would maintain its existing access drive. This area of the proposal would directly oppose an existing elementary school south of W. Talmage Street, and would be located less than one-third of a mile from Doling Park, less than one-half mile from Talmage Trail near Doling Park, and approximately one-quarter mile from the Kearney Street corridor.

Area B, which is interior to the overall site, would contain single-family detached dwellings at a density not to exceed 5.1 dwelling units per acre based on this subarea's acreage. Following the recommendations of the *Comprehensive Plan*, this portion of the development, which more intimately interacts with the existing single-family neighborhood surrounding it, takes principal access from a Local roadway (N. Missouri Avenue) to the north. The lot sizes proposed are comparable to those required within the R-SF district, and all future single-family homes will be subject to bulk regulations and limitations similar to those imposed by the R-SF district. In this way, the overall development containing both Areas A and B provides for a transition of housing types from the north to the south, increasing in density as one approaches W. Talmage Street.

STAFF COMMENTS:

1. The proposed Planned Development No. 383 is split into two parts, Areas A and B. Area A includes the adaptive reuse of the existing gymnasium along W. Talmage Street; the existing structure will remain and infill work will be completed to transform the interior into multifamily housing with both indoor and outdoor amenities for future residents, including an indoor fitness area and laundry facilities, as well as outdoor off-street parking, a playground, a dog park, a resident pavilion, and a grill. The applicant has proposed a total of 33 dwelling units within the existing structure, to include 16 efficiency units, 10 one-bedroom units, and 12 two- to three-bedroom units. With an area of just over two acres, the density for Area A is approximately 15.7 dwelling units per acre, making the residential density comparable to that permitted by the R-LD, Low-density multifamily residential district, which caps its residential density to no more than 18 dwelling units per acre.
2. Area B, which is situated west and south of the Baptist Temple of Springfield's vehicular use area, will be developed to accommodate single-family detached dwellings, all of which will be included within an associated condominium plat, with each future home contained within an individual condominium unit. Area B will share the same outdoor amenities with Area A, listed above, and will connect to Area A via a private drive. The applicant has proposed a total of 22 single-family homes in Area A, spread across over four acres of land for a density of 5.1 dwelling units per acre. This density is below the maximum density permitted within the R-SF, Single-family residential district, which caps its residential density to no more than seven dwelling units per acre.

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3. Combining the land area of both Areas A and B yields a total of 6.4 acres of land. Combining the dwelling unit subtotals of both Areas A and B results in a proposed total of 55 dwelling units. The resulting density for the entire development equals 8.6 dwelling units per acre, a density permitted within the R-TH, Residential townhouse district which caps its residential density to no more than 11 dwelling units per acre. For context, the least dense residential district, the R-SF, Single-family residential district, permits up to seven dwelling units per acre.
4. In order to better complement the existing residential neighborhood which surrounds this property, the applicant has proposed a number of measures to not only integrate the proposal into the neighborhood, but also insulate the neighborhood against this new development. All of the condominium units are dimensioned so as to emulate the minimum lot dimensions for development in the R-SF district, and all of the new single-family homes will be subject to setbacks similar to or even more intense than what would be required of development in the R-SF district. In addition, the applicant has agreed to impose certain exterior material limitations to ensure the quality of the product proposed and a sense of cohesion between the new development and its existing surroundings. Along this site's perimeter, where adjacent to neighboring properties, the applicant has proposed the installation of bufferyard C, including a six-foot wooden privacy fence as a form of screening, reinforcing the existing neighborhood's sense of privacy and further beautifying the development and community.
5. The applicant has proposed a number of outdoor amenities for the residents of this development, including two 3,000 square foot dog parks, a playground, a pavilion, and a grill, with associated bench seating throughout. These types of amenities help to bolster a development's quality of place and sense of community by providing space for residents to recreate together in a variety of ways.
6. The proposed rezoning was reviewed by City departments whose comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on December 22, 2022. A summary of the meeting and sign-in sheet is attached (Attachment 2). Neighborhood correspondence by email and comment cards are also 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: 178 Returned: 1

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DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS PLANNED DEVELOPMENT 383

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with the Planned Development's site plan or language. Electric, gas, and water extensions, where needed or desired, can be provided per City Utilities' extension policy. New easements may be needed to facilitate this.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with the Planned Development. Each lot has access to public sewer. Each condominium unit will be served by private sewer which will not be maintained by the City of Springfield. The condominium units will need to define the open space, access, and maintenance rights for each unit either on a future final plat or covenants.

FIRE DEPARTMENT:

The installation of fire hydrants and fire access lances shall comply with the 2018 IFC.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Pea Ridge Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required**. The property **is not in a stream buffer area**.

Public Works – Stormwater concurs with the proposed Planned Development narrative. The included comment for 120% detention assists in preventing downstream flooding concerns. The PD narrative also includes the requirement to return the runoff to sheet flow prior to exiting the property. Both of these comments were proposed by Public Works – Stormwater during the pre-development review process with the property representative. The properties at 739 W. Talmage Street and 2655 N. Grant Avenue drain through the adjacent R-SF properties (2638 – 2724 N. Broadway Avenue). Stormwater infrastructure only starts in the vicinity of N. Broadway Avenue and W. Woodridge Street.

Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual, Version April 2022.

<https://www.springfieldmo.gov/DocumentCenter/View/57515/Flood-Control-and-Water-Quality-Protection-Manual-April-2022>

Detention Requirements:

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1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Section 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in-lieu-of detention may be allowed per the Director of Public Works.
 - a. Detention is required and a fee in-lieu-of detention for this development will not be permitted. Both lots primarily drain to the west through residential properties until reaching a low area at the intersection of N. Broadway Avenue and W. Woodridge Street. This intersection is the start of a stormwater culvert/channel system that conveys stormwater further downstream but needs further improvement. This intersection has documented flooding on private property from City of Springfield Service Requests.
 - b. Any stormwater infrastructure serving more than one property needs to be submitted on public improvement plans. <https://www.springfieldmo.gov/DocumentCenter/View/55360/Sept-2021-Design-Standards>.
 - c. Detention must be built and approved prior to the issuance of any building permit. If this is not possible, submit a temporary stormwater plan with your plan submittal. If it is an above-ground basin then as-builts will be required. The as-builts must be submitted and approved prior to the release of the certificate of occupancy.
2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Section 4.1.4.
 - a. To a public right-of-way (1); a recorded drainage easement, continuing to public right-of-way or public drainage system (2); or a certified natural watercourse (3).
 - b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.
 - c. For this development, Public Works – Stormwater recommends all stormwater is discharged through a level spreader or vegetated filter strip such that the stormwater is returned to an overland sheet flow before exiting the property. Chapter 10 Section 8.0 outlines the design considerations for filter strips and level spreaders.

Water Quality Requirements:

1. Water quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the City Limits of Springfield that disturb one or more acres. Including projects less than one acre that are part of a large common plan of development or sale that will disturb one or more acres over the life of the project. Chapter 10 Section 2.0.
 - a. Water quality is required based on the disturbance of greater than one acre.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing one or more acres per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. As-builts of the detention and water quality improvements are required. We would like the following as-built notes on the plans:
 - a. The engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the engineer to make any observations necessary during construction to certify the measures.
3. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by Environmental Services – Water Quality per Chapter 12 Section 3.0.
4. Include on the plans a calculation of the existing impervious surface area, existing open space area, post-development impervious surface area, and post-development open space area. Per Chapter 4 Section 3.0 for detention summary.
 - a. Existing gravel surfaces meeting the above definition are eligible for 50% credit.

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DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

STREET CLASSIFICATION, RIGHT-OF-WAY, & JURISDICTION

The City's Transportation Plan classifies N. Grant Avenue as a Secondary Arterial, W. Talmage Street as a Collector roadway, and N. Missouri Avenue as a Local – Residential roadway. The standard right-of-way width for N. Grant Avenue is 35-feet from the centerline, 30-feet from the centerline of W. Talmage Street, and 25-feet from the centerline for N. Missouri Avenue. It appears as additional five feet of right-of-way is needed along N. Grant Avenue. It appears no additional right-of-way is needed along W. Talmage Street or N. Missouri Avenue. A survey is recommended to determine the exact amount of existing right-of-way as nothing can be constructed within the required right-of-way area. N. Grant Avenue, W. Talmage Street, and N. Missouri Avenue are all city-maintained streets.

TRAFFIC COUNTS & ON-STREET PARKING

The most recent traffic count for N. Grant Avenue is 6,936 vehicles per day and for W. Talmage Street is 1,419 vehicles per day. There are no traffic counts for N. Missouri Avenue since it is classified as a Local roadway. On-street parking is not allowed along N. Grant Avenue. On-street parking is allowed on W. Talmage Street and N. Missouri Avenue.

DRIVEWAY ACCESS

There is currently one driveway access point onto the property from W. Talmage Street. Access will be allowed from N. Missouri Avenue that meets current City of Springfield spacing requirements set forth in City Code Chapter 98. No additional access will be allowed to W. Talmage Street. No access will be allowed to the property from N. Grant Avenue.

SIDEWALK

There is existing sidewalk along the property frontage on N. Grant Avenue. There is currently no sidewalk along the property frontage on W. Talmage Street or N. Missouri Avenue. The developer will be required to install sidewalk in accordance with the City of Springfield Public Works Design Guide along W. Talmage Street and N. Missouri Avenue at the time of development. The developer also has the option to seek approval to pay a fee in-lieu-of construction by apply to the Administrative Review Committee. If approved, the fee must be paid prior to the approval of a building permit. The current fee is \$31.46 per linear foot of sidewalk to be constructed.

TRAILS, BUS STOPS, & ADDITIONAL INFORMATION

There are no Greenway Trails in the area surrounding the property pertaining to this zoning request. There are no bus stops along the property frontage of this development; however, there is one to the north of the property and one to the south on N. Grant Avenue. The proposed development is in an area that provides for multiple direction connections and provides for good connectivity in the area.

IMPROVEMENTS

A Traffic Impact Study was required and has been accepted. No improvements are required based on the Traffic Impact Study; however, there is a portion of N. Missouri Avenue that is not completed on its east side, which abuts this property. This portion of N. Missouri Avenue is required to be completed to the southern limits of the existing right-of-way for N. Missouri Avenue, including a turn-around.

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TRAFFIC - TABLE 1: PLANNED DEVELOPMENT/CONDITIONAL USE PERMIT DETAILS

	Street Name	Street Classification	On-Street Parking	Existing Street ROW from Centerline (ft.) (Approx.)	Required Street ROW from Centerline (ft.)
Street 1	N. Grant Avenue	Secondary Arterial	No	30	35
Street 2	W. Talmage Street	Collector	Yes	30	30
Street 3	N. Missouri Avenue	Local – Residential	Yes	25	25
		AM Peak	PM Peak	Weekday	Weekend
Existing Trips Generated		24	30	288	
*Proposed Trips Generated		108	132	1440	
Additional Trips Generated		84	102	1152	

*Proposed Trips Generated is based on the highest, most intense use permitted in the proposed rezoning, Planned Development, or Conditional Use Permit

REQUIREMENTS FOR APPROVAL:

EXHIBIT 1

Requirements and Standards Applicable to Planned Development District No. 383

A. APPLICATION

Building or other permits may not be issued for development permitted by this Planned Development nor can any changes be made to this property until the Final Development Plan has been approved in the manner described at the end of this exhibit.

All requirements of the *Springfield Zoning Ordinance* shall apply unless modified by the requirements and standards that follow.

B. INTENT

Planned Development No. 383 includes two parcels of property: the Baptist Temple Gymnasium (Parcel ID 130240311, also referred to as “Area A”) located at 739 W. Talmage Street and the associated track field to its north (Parcel ID 1302403092, also referred to as “Area B”). The proposal includes the adaptive use of the gymnasium, Area A, for competitively priced multifamily housing, as the structure is no longer used by the church and has fallen into disrepair. Area B, to the north, contains 22 single-family homes to be located within a condominium plat, providing an increased intensity of development as one travels from the north end of the proposal area to the south. Where the proposal area abuts existing single-family homes, Planned Development No. 383 provides for the installation of bufferyards and privacy screening. The proposal allows for uses traditionally accessory to residential uses, such as outdoor recreation areas, and provides stormwater management infrastructure in excess of City standards to help offset the development’s stormwater impact on adjacent and downstream properties.

C. DEFINITIONS

The definitions contained in the *Springfield Zoning Ordinance* shall apply to this ordinance.

D. USES PERMITTED

(1) *Area A*. The following uses shall be permitted within Area A, as depicted in Exhibit 2:

- a. Adaptive use of nonresidential structures in residential districts;
- b. Accessory uses, as permitted by *Section 36-450* of the *Springfield Zoning Ordinance*; and
- c. Accessory off-street parking facilities as depicted in Exhibit 2.

(2) *Area B*. The following uses shall be permitted within Area B, as depicted in Exhibit 2:

- a. Residential condominiums (single-family detached);

- b. Accessory uses, as permitted by *Section 36-450* of the *Springfield Zoning Ordinance*; and
- c. Accessory off-street parking facilities as depicted in Exhibit 2.

E. USE LIMITATIONS

- (1) *Noise standards.* All uses shall operate in accordance with the noise standards contained in *Section 36-485* of the *Springfield Zoning Ordinance*.
- (2) *Nuisance.* No use shall emit an odor that creates a nuisance as determined by the *Springfield City Code*.

F. INTENSITY OF DEVELOPMENT

- (1) *Maximum residential density.*
 - a. Area A: The maximum density within Area A shall be 15.7 dwelling units per acre of Area A (2.1 acres), for a total of 33 dwelling units.
 - b. Area B: The maximum density within Area B shall be 5.1 dwelling units per acre of Area B (4.3 acres), for a total of 22 single-family detached homes.
 - c. Proposal Area Total: The maximum density for the entirety of both Areas A and B (6.4 acres) shall not exceed 8.6 dwelling units per acre, for a total of 55 dwellings/dwelling units.

G. BULK, AREA AND HEIGHT REQUIREMENTS

- (1) *Generally.* The requirements and standards for the R-LD, Low-density multifamily residential district of *Section 36-382* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply except where the existing gymnasium and access drive conflict with such requirements and limitations, as identified in Exhibit 2, and as identified per proposal area below.
- (2) *Area A.* The height of the existing nonresidential structure shall not be increased.
- (3) *Area B.* The maximum height of all future structures shall not exceed two stories or 35 feet in height above finished grade.

H. DESIGN REQUIREMENTS

- (1) *Area A.*
 - a. *Adaptive use window treatments.* All exterior windows of the existing gymnasium shall meet the requirements of the Building Code, in effect at the time of development.
 - b. *Area amenities.* The following outdoor amenities shall be provided within Area A as depicted in Exhibit 2: a playground; a 3,000 square foot dog park; a pavilion; and a community grill.

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(2) Area B.

- a. *Building exterior finishes.* All new structures shall utilize exterior finishes compatible with that of the other residential buildings in the surrounding neighborhood, including brick, beveled siding, board and batten siding, and/or architectural stone. The Administrative Review Committee shall have the authority to review and approve the use of other exterior finishes, such as vinyl siding, aluminum siding, steel siding, etc. at their discretion.
- b. *Pedestrian circulation.* Internal sidewalks shall connect building entrances to one another and to sidewalks on adjacent public and/or private streets via a minimum four-foot-wide sidewalk. Fences, landscaping, and other site improvements shall be located so as not to impede safe and convenient pedestrian circulation.
- c. *Area amenities.* The following outdoor amenities shall be provided within Area B as depicted in Exhibit 2: a 3,000 square foot dog park; a park bench; and a community grill.

(3) Regarding district amenities.

- a. The operation and maintenance of these district amenities shall be the responsibility of a duly authorized property owners' association.
- b. The construction and installation of the district amenities shall be phased in accordance with the **PHASING** section below.

I. OPEN SPACE, LANDSCAPING & SCREENING

- (1) *Open space requirements.* The minimum open space requirements for the R-LD, Low-density multifamily residential district of *Section 36-382* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.
- (2) *Bufferyard requirements.* Bufferyard C, as detailed in *Section 36-482* of the *Springfield Zoning Ordinance*, shall be required where adjacent to property zoned R-SF, Single-family residential district and where existing conditions allow. A six-foot wooden privacy fence is required along those bounds depicted in Exhibit 2.
- (3) *Vehicular use area requirements.*
 - a. *Interior landscaping.* The requirements and standards of *Section 36-482 (9) (a)* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.
 - b. *Perimeter landscaping.* The requirements and standards of *Section 36-482 (9) (b)* of the *Springfield Zoning Ordinance*, in effect at the time of development, shall apply.
- (4) *Landscaping standards.*
 - a. All plantings shall be provided using species of vegetation native to or naturalized within the state of Missouri, as identified by the Missouri Department of Conservation.
 - b. The preservation of healthy, existing trees of an approved species at 4 ½ inches

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caliper shall count as two trees when considering the fulfillment of the tree planting requirements of this district.

- c. Upon installation or preservation of required landscape materials, appropriate measures shall be taken to ensure their continued health and maintenance. Required materials that do not remain healthy shall be replaced consistent with this ordinance.

(5) *Screening and fencing.*

- a. The requirements and standards of *Section 36-480 of the Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

J. EXTERIOR LIGHTING

The requirements and standards of *Section 36-484 of the Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

K. ACCESS TO PUBLIC THOROUGHFARES

Access to the public street system shown in Exhibit 2 shall be governed by the existing standards of the *City of Springfield* for the applicable street classification. In addition, internal vehicular access between Areas A and B is required as depicted in Exhibit 2.

L. OFF-STREET PARKING

The requirements and standards of *Sections 36-455, 36-456 and 36-483 of the Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

M. SIGNS

The requirements and standards of *Section 36-454 of the Springfield Zoning Ordinance*, in effect at the time of development, shall apply.

N. REQUIRED IMPROVEMENTS

All utilities and utility connections within the district shall be located underground, including but not limited to electrical and telephone cables, security and other telecommunication systems, and wire. Transformers, meters of any type (including electric, gas, or other meters), and other apparatus must be adequately screened and landscaped.

(1) *Sanitary sewer.*

- a. The proposal area has access to public sewer; however, each condominium unit shall be served by private sewer, which will not be maintained by the City of Springfield. On the final plat or within the covenants, the open space, access, and maintenance rights for each condominium unit's sewer must be clearly defined.

(2) *Traffic.*

- a. An additional five feet of public right-of-way must be dedicated along the property's frontage on N. Grant Avenue.
- b. Sidewalk is required to be constructed along the property's frontage on both W. Talmage Street and N. Missouri Avenue in accordance with *City Code Section 36-*

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471, or a request can be filed with the Administrative Review Committee for the approval of a fee in-lieu-of sidewalk construction.

- c. N. Missouri Avenue is required to be extended to the southern limits of existing right-of-way, and an emergency turnaround must be provided. The extension must be submitted as a Public Improvement Plan and the improvement must be constructed, or funds escrowed, prior to the approval of a building permit.
- d. All driveway approaches shall comply with *Public Works Standard Drawing ST-9* and *City Code Section 98*, except where the proposal shall deviate from such requirements as depicted in Exhibit 2.
- e. On-site parking and circulation shall comply with *Public Works Standard Drawing ST-6* and *City Code Sections 36-455* and *36-483*, except where the proposal shall deviate from such requirements as depicted in Exhibit 2.

(3) Stormwater.

- a. Stormwater detention capable of holding 120% of the City's standard detention for the proposal area shall be provided in general conformance with Exhibit 2. Furthermore, all stormwater runoff must return to sheet flow prior to exiting the proposal area.
- b. The Development District will be adding more than one acre of impervious surface; as a result, water quality improvements must be designed and constructed in accordance with *Chapter 10, Section 2* of the *City's Flood Control and Water Quality Protection Manual*.
- c. Operation and maintenance agreements shall conform with *Chapter 12, Section 3.0* of the *City's Flood Control and Water Quality Protection Manual*.
- d. Planned Development No. 383 will be adding more than one acre of impervious surface; as a result, a City Land Disturbance Permit and Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and submitted in accordance with *City Code Section 96-44*.

(4) Utilities.

- a. Water, gas, and electric service extensions, where needed or desired, can be provided per City Utilities' extension policy; however, such extensions may require the approval of new easements.

O. MAINTENANCE OF COMMON AREAS AND FACILITIES

The maintenance of common areas and facilities shall be assumed by a duly authorized property owners' association meeting all legal requirements prescribed by the City Attorney.

P. PHASING

Development shall be phased. All public improvements directly related to each phase will be completed at the time of the phase's development. The improvements serving the District as a whole and the adjoining areas are to be completed in a sequence assuring full utility of the District as a whole and all areas within the District so that future public improvements required

Development Review Staff Report



by this ordinance or other applicable ordinances of the City are not compromised or rendered unduly difficult.

Q. FINAL DEVELOPMENT PLAN

Areas A and B will require separate approvals.

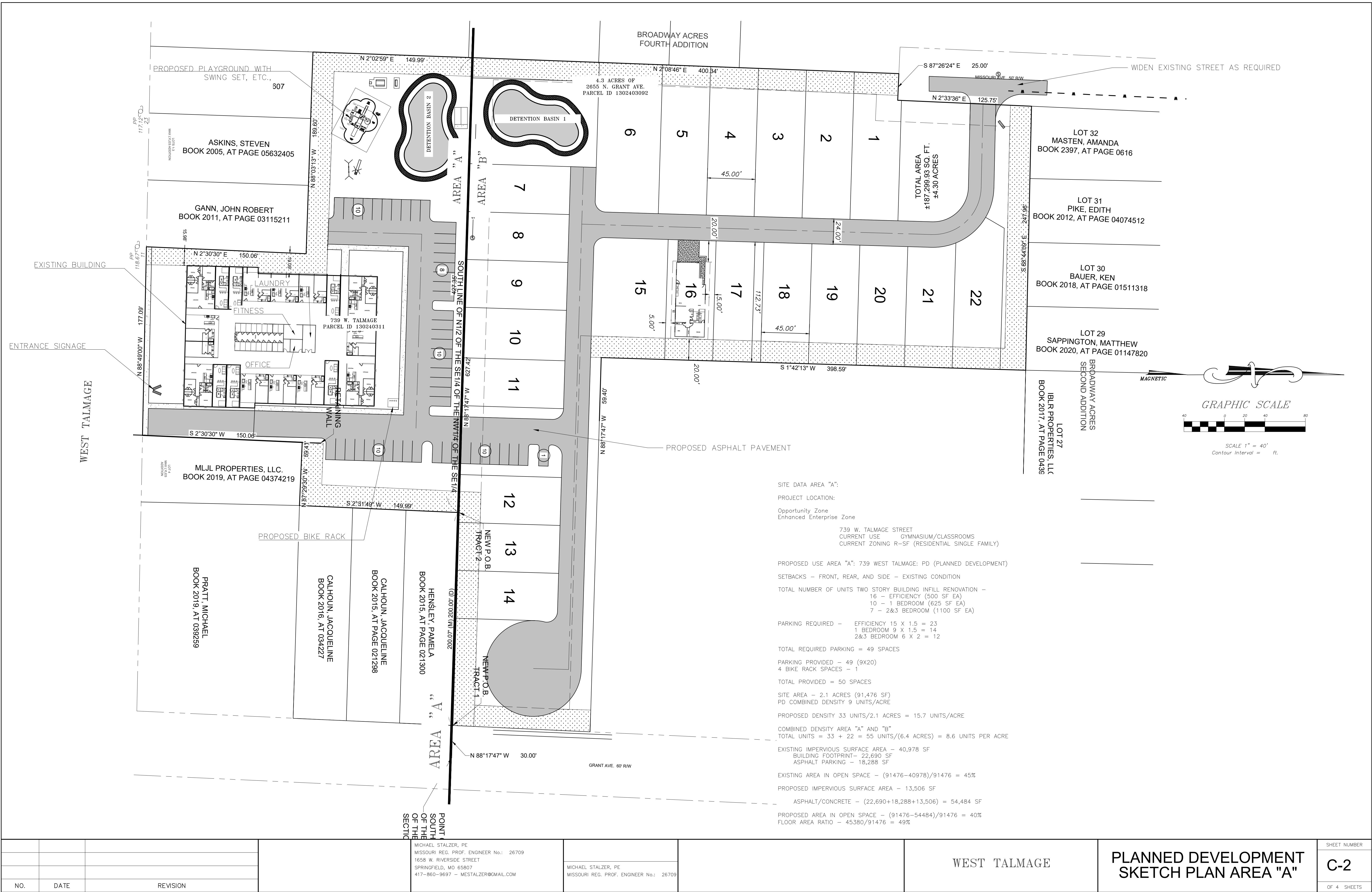
A Final Development Plan for Area A, showing conformance with the requirements of this Exhibit, shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any of the permitted uses or improvements permitted or required by this Exhibit. Development in this District shall be in accordance with the approved final development plan.

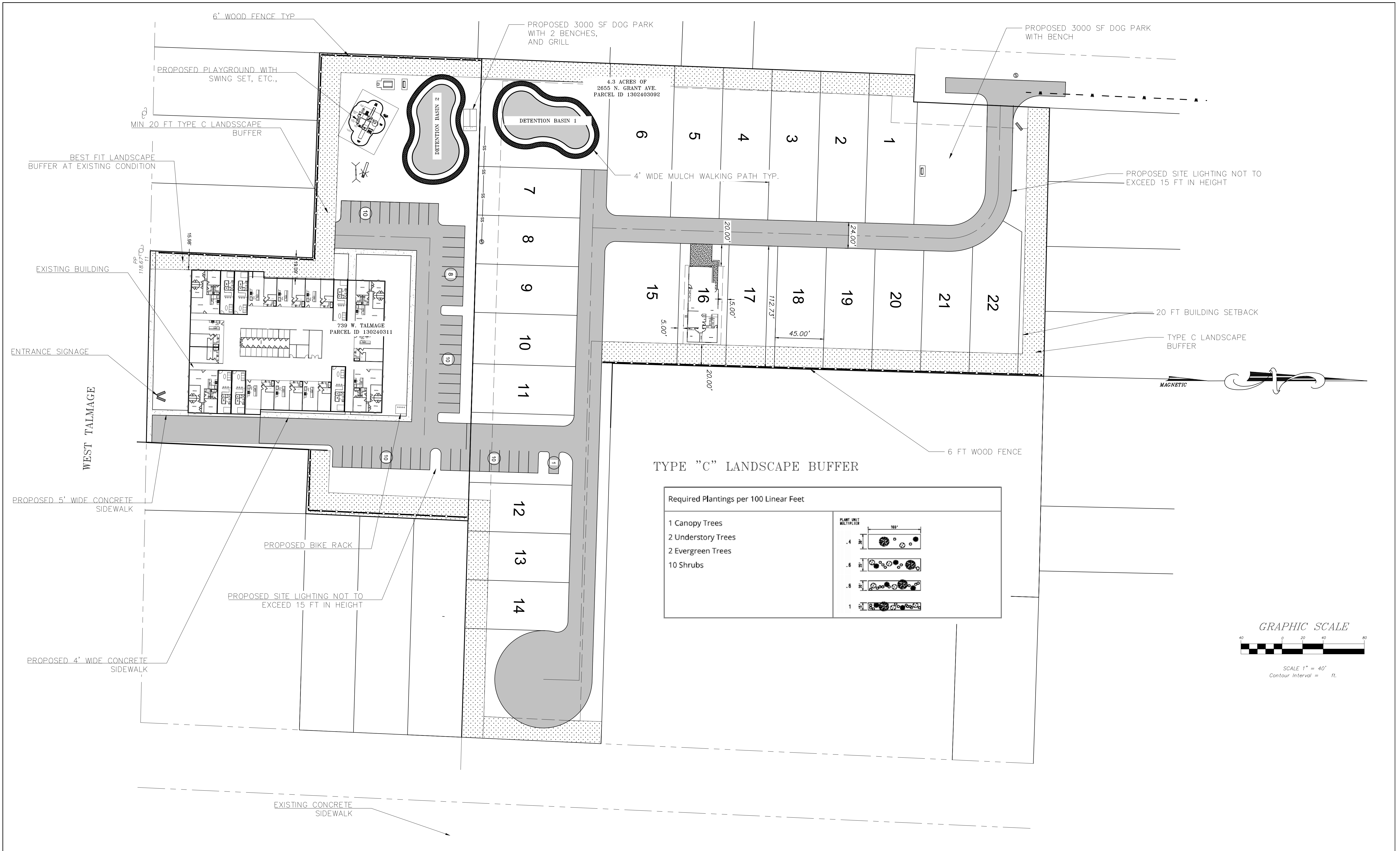
A Final Development Plan shall only be approved if it is in substantial conformance with Exhibit 2 as defined by *Section 36-405 (9) (c) of the Springfield Zoning Ordinance*.

The Final Development Plan shall be submitted to the Administrative Review Committee for final action, either as a whole or in phases. The Administrative Review Committee is hereby authorize, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

- (1) Any uses within the District other than those specifically prescribed by the ordinance; or
- (2) Any increase in the intensity of the use permitted within the District.

For Area B, the Final Development Plan must be submitted in the form of a preliminary plat, provided the plat is prepared in accordance with the requirements, standards, and intent of this Exhibit. Development in this District shall be in accordance with the approved Final Development Plan.





NO.	DATE	REVISION	MICHAEL STALZER, PE MISSOURI REG. PROF. ENGINEER No.: 26709 1658 W. RIVERSIDE STREET SPRINGFIELD, MO 65807 417-860-9697 - MESTALZER@GMAIL.COM	MICHAEL STALZER, PE MISSOURI REG. PROF. ENGINEER No.: 26709	WEST TALMAGE	AMENITY & BUFFER YARD PLAN	SHEET NUMBER C-4 OF 4 SHEETS

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF to R-LD and Single Unit Condominium
(existing zoning) (proposed zoning)
2. Meeting Date & Time: _____
3. Meeting Location: First Baptist Church Sanctuary
4. Number of invitations that were sent: Per city mailing list
5. How the mailing list was generated: Assessor's Office Web Site
6. Number of neighbors in attendance (attach a sign-in sheet): _____
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).

*Stormwater - Detain 20% of undeveloped thru
Density - show building footprint for single
unit condo. - show on plan typical footprint.*

8. List or attach the written comments and how you plan to address any issues:

I, Michael Skizer (print name), attest that the neighborhood meeting was held on
12/22/2020 (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."

[Signature]

Signature of person completing affidavit

Michael Skizer

Printed name of person completing affidavit

DATE:	12-15-2022	Telephone No.	417-631-1313
YOUR NAME:	Patti Nelson		
YOUR ADDRESS:	928 W. Woodridge		
PROJECT ADDRESS:	739 W. Talmage & 2655 N. Grant.		

COMMENTS: I have lived at this address for 29 years & have had issues with flooding since I've moved in. When the ground is saturated it runs like a river from the gymnasium on Talmage down into my back yard. I have a city storm drain in my back yard, when that doesn't take it all in it runs to the street. I have had it up to my back door & cars have been flooded out sitting in front of my house. It would be a disaster for me & my neighbors if proper drainage was not installed!!

City of Springfield, Missouri - Development Review Office - 840 Boonville, Springfield, MO 65802 - 417.864.1611
 Application for Zoning Map Amendment & Planned Developments
 *Fees are non-refundable

ATTACHMENT 3

From: [laurie grant](#)
To: [McGinnis, Kyle](#)
Subject: Development 383 739 W Talmage
Date: Thursday, January 12, 2023 11:05:43 AM

****CAUTION**** This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Good morning and Thank You for listening to my concerns. Some of us in the neighborhood will be attending the meeting this evening. Many in our neighborhood are either elderly and not able to get out, working, have children or disabled at home to care for, or of course some who just plain don't care. After talking with many of my neighbors, our main concern is the additional traffic and impact on the safety of our children.

I am a resident of the Watkins/Reed/Hillcrest school area and along with many of my neighbors am concerned about the safety of the children in this area. There is a proposed development, Development # 383, located directly across from the front entrance of the Watkins Elementary school. The proposed plan is to Rezone the property and build apartments and condos on the approx. 6 1/2 acres currently for sale by Baptist Temple church. The parking lot would open directly across from the front entrance of Watkins on Talmage, where all the children go in and out of the school, and the walkers have to cross the street to get to the school. Cars dropping off and picking up the children line up both ways down Talmage street and around the corners on Grant and Broadway at these times during the day. The second entrance/exit to this proposed complex parking lot would be onto the dead end of Missouri street and then onto Woodridge where there are no sidewalks forcing walkers to walk in the narrow street and around cars parked in the street, then on to Broadway which is already a busy street. This would create a hazard to the children and parents walking to school and to the school bus pickups. The traffic survey done by the city planners estimate an additional 1,152 daily car trips added to our streets, from the proposed complex. With many children in this area having to fend for themselves and get themselves to school, these added dangers are just not acceptable. There are already many days when there isn't even a crossing guard for the busy intersections near the school.

The proposed development is for 32 apartments inside the old gymnasium and 22 single family homes which would be located behind the gymnasium. This could create a huge impact on the schools' population also. It would be wonderful to have someone rehab the old gymnasium into something useful before it falls in but at what cost to our children's safety?

Again, thank you for listening to my concerns and those of many of my neighbors. I wanted to be you are aware of the potential problems this development and additional traffic would create.

Laurie Brotherton
2708 N Broadway
417-838-0344

From: [Lorena Brink](#)
Subject: [1000 Woodbridge Road](#)
Date: Wednesday, January 21, 2025 10:45:00 AM

CAUTION This email originated from outside the organization. Do not open attachments or click links from sources you do not know and trust.

Good Morning Kyle,

I am sending this email to let you know that we oppose the proposed building development at Grant and Tabango. It is our understanding that Woodbridge will be used to accommodate as many as 500 cars per day. We are opposed to the development because Woodbridge is a residential street and cannot accommodate the extra traffic. People living on Woodbridge have made a cross walk out of our street as it is. The 800 block of Woodbridge is a Cal -On-Site and there is only one way onto Woodbridge and one way out. The only way Woodbridge can be used is by using North Broadway Street and again that street cannot handle the extra traffic. The first picture below is looking West toward Broadway and there have been times we have seen parked on both sides of the street making our street a one lane street which would make it difficult to get an Emergency Vehicle onto our street. The second picture is looking East on Woodbridge. We have young children that ride their bicycles in the street and I have seen them get out onto Woodbridge from Missouri Street and of course they do not look before doing so. With the extra traffic that would make that situation even worse.

Also the extra traffic is going to greatly impact Tabango Street as well. Consideration should be given to what the extra traffic is going to do to the traffic flow at Walker Elementary School on Tabango. Can already line up on Broadway turning East onto Tabango to pick up children at the end of the school day and the last thing they need is additional traffic and creating more danger to the children.

I do have a question. Is there any consideration could be given to closing off Grant Street and have Woodbridge closed? I already have problems backing up at the driveway and by the time I am getting ready to back into the street I often times have a car that is flying up and down the street. After they have entered the corner from Missouri Street heading West or have entered the corner from Broadway heading East. I should to think what an additional 500 cars would do to our street. I want to also mention that Mr. Moss and brother (Lorena and Devin) live at 814 Woodbridge and I help with their car's I walk Brink my house at 814 Woodbridge down to their house quite a bit. I am very careful of cars coming up and down the street just walking one house away. When I am working up or down the street between the two houses I'd want a car coming either way I'd say best to get out of the street and get out of the way of the vehicle.

I appreciate you meeting with us last week. I want to also thank you for listening to our concerns and the impact this development is going to do to our neighborhood.

Lorena Brink
Dina Wolf Brink
Dedra Brink





Shot taken on iPad

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

JANUARY 12, 2023

N/A

CASE: Vacation 826

ACRES: 0.32 acres

LOCATION: 1700 Block of W. Grand Street

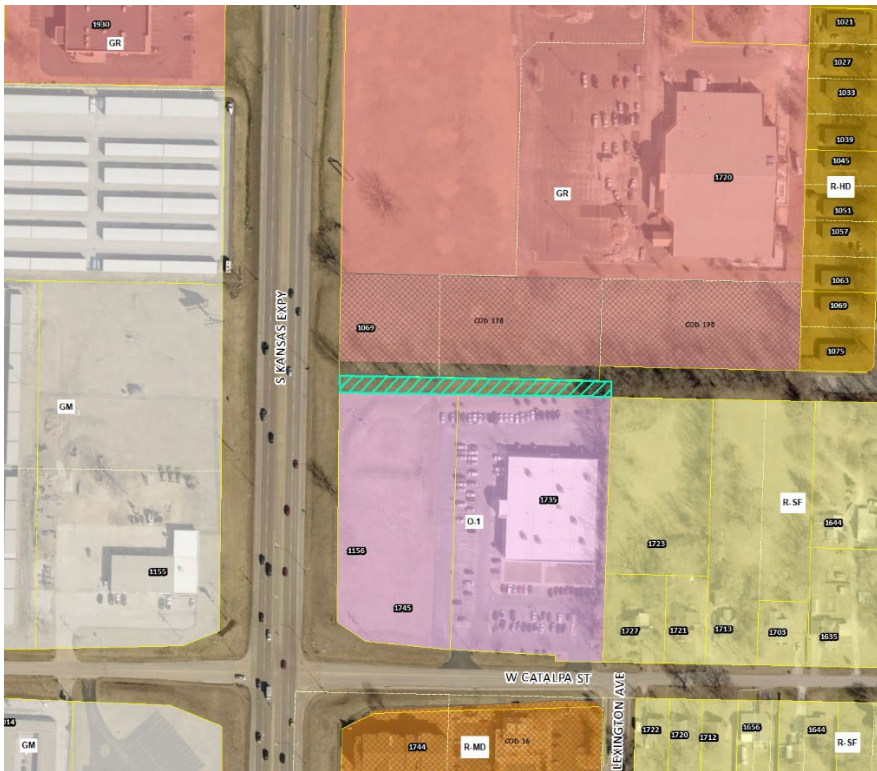
EXISTING LAND USE: Public right-of-way

APPLICANT: Lee Engineering & Associates LLC

STAFF: Kyle McGinnis, Senior Planner
 417-864-1615

STAFF RECOMMENDATIONS:
 Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. Five (5) voting members to approve or deny.



SUMMARY OF REQUEST:

Request to vacate a portion of the public right-of-way at the 1700 block of W. Grand Street.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The requested vacation meets the approval criteria listed in Attachment 2.
2. The applicant is proposing to vacate right-of-way that is no longer needed which was originally dedicated as part of Young's Subdivision in 1888.

SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	O-1	R-SF & R-HD	GM
LAND USE	Medical Office Use Group	General Office Use Group	Single-family and Multifamily Uses	Construction Equipment Sales & Storage Yard

Development Review Staff Report



SURROUNDING ZONING AND LAND USES: (GOOGLE AERIAL VIEW)



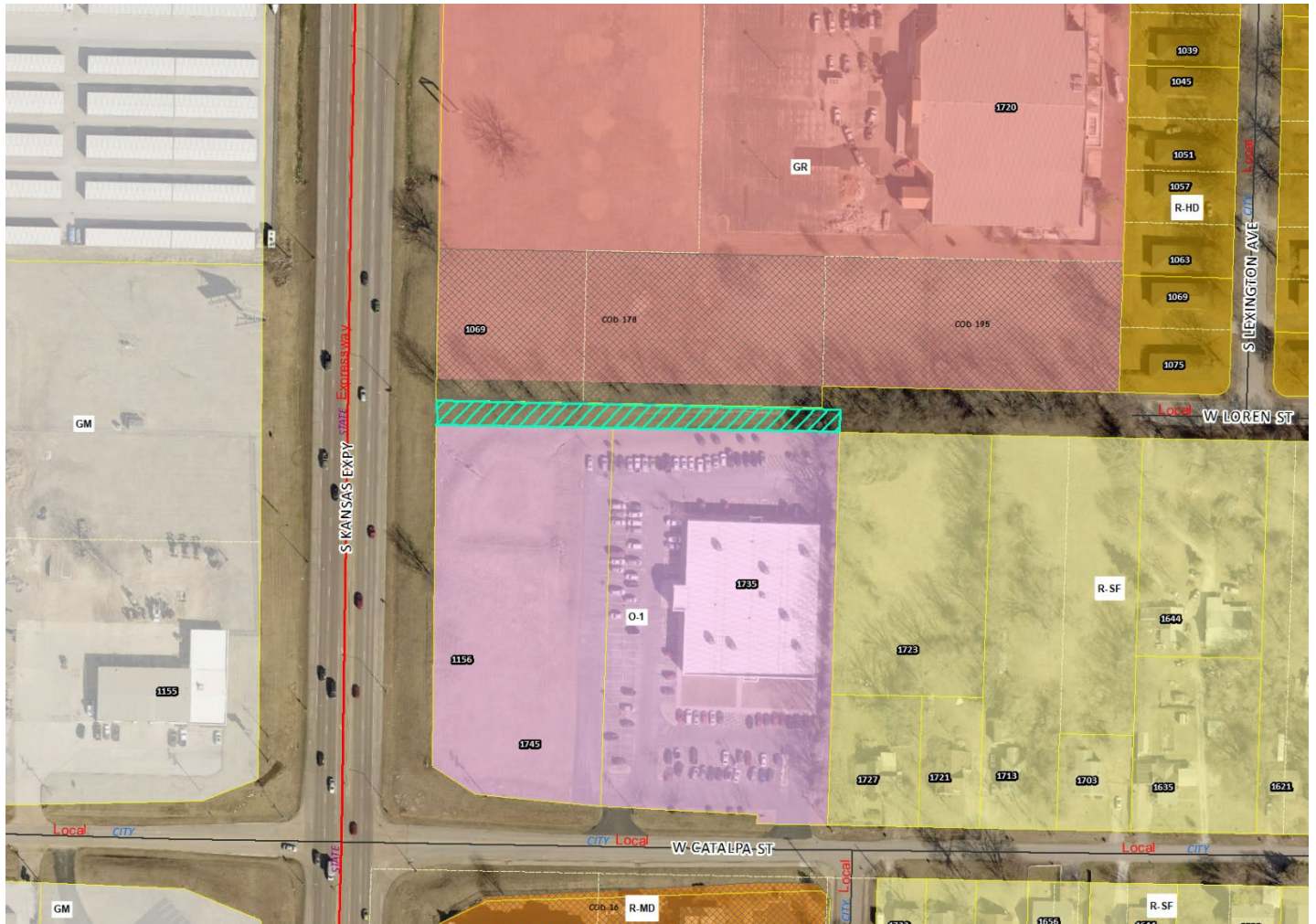
GOOGLE MAPS STREET VIEW:



Development Review Staff Report



MAJOR THOROUGHFARE PLAN:



Development Review Staff Report



PROPERTY HISTORY:

This portion of public street right-of-way was originally dedicated as part of Young's Subdivision in 1888 in Greene County and was later annexed into the City of Springfield in 1955.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-151. - Petition for vacation; notice of proposed vacation.

1. Any person owning any real estate within the city which has been subdivided by a duly recorded plat may petition the city to vacate the subdivision, or any part thereof, giving a distinct description of the property to be vacated and the names of the owners thereof with proof of their ownership; and any person owning property abutting upon any alley, street, common or public square, or any part thereof, may petition the city to vacate all or any part of the alley, street, common or public square, giving a distinct description of the property to be vacated and the names of the owners of the property abutting thereon. A petition to vacate such land shall be filed with the city clerk and referred to the planning and zoning commission for consideration. Thereupon, the planning and zoning commission shall cause notices of the proposed vacation to be posted in at least three prominent places in the vicinity of the area to be vacated and the petitioner shall cause a notice of the proposed vacation to be published in the daily newspaper having the greatest number of paid subscribers in the city at least 30 days prior to the public hearing, which newspaper shall meet the requirements of RSMo 493.050. No vacation shall take place until the petitioner shall have filed with the executive secretary of the planning and zoning commission proof that notice has been given of such vacation as required in this section, except in no event shall the failure of the planning and zoning commission to post the property in any way affect the validity of the vacation, it being intended by the city council that the legal notice for such vacation shall be solely by newspaper advertisement and that other advertisements shall be for informational purposes. In addition to the methods established by this section for notice, the city manager shall endeavor to cause notices of such vacations to be circulated in the area in accordance with rules to be adopted by the city manager, which rules should be filed with the executive secretary of the planning and zoning commission; provided, however, the failure to give such notice shall in no way affect the validity of the vacation.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

Not applicable to the vacation request.

STAFF COMMENTS:

1. The applicant is proposing to vacate approximately 0.32 acres of public street right-of-way, which was originally dedicated as part of Young's Subdivision in 1888. The public right-of-way has not been used in the time since its dedication and, as a result, the applicant has requested the vacation in order to promote a more fluid design for future development in this area.
2. Young's Subdivision was recorded in 1888 in Greene County and was later annexed into the City of Springfield in 1955.
3. The proposed vacation was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 8, 2022. The neighborhood meeting affidavit and meeting summary have been provided with this report (Attachment 4).

PUBLIC NOTIFICATIONS:

The public notice was advertised in the News-Leader at least 30 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 300 feet.

Notices sent to property owners within 300 feet: Mailed: 27 Returned: 0

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1

AT&T COMMENTS:

No issues.

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No issues.

CITY UTILITIES:

No issues with the proposed vacation. There are no apparent impacts on City Utilities' facilities.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the street vacation; however, there is a small portion on the east end of the proposal area that needs to be reserved for a sewer easement for existing sewer. The sewer extends approximately 40 feet into the vacation area. The easement will need to extend south, meeting the north property line of Lot 9 of Young's Subdivision.

FIRE DEPARTMENT COMMENTS:

No issues. The installation of fire hydrants and fire access lanes shall comply with 2018 IFC when developed, as applicable.

DEPARTMENT OF PUBLIC WORKS TRAFFIC OPERATIONS DIVISION:

A minimum 26-foot wide cross-access easement needs to be placed from Catalpa to Grand and must be in place before the vacation can be approved.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

The property is in the **Jordan Creek Lower Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city is not aware of a sinkhole at this location. A fee in lieu of on-site stormwater detention **will not be allowed and detention is required**. The property **does not have a stream buffer on site**.

PW Stormwater has no concerns for the proposed vacation of the right-of-way. The storm sewer channel inside the right-of-way area will have to be maintained or modified to continue the flow of the Stormwater runoff. Please note that development of the property will be subject to the following conditions at the time of development:

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

Detention Requirements:

1. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. In accordance with the City of Springfield Code and the manual, if the additional impervious is minimal then a fee in lieu of detention may be allowed per the Director of Public Works.

a. Detention is required for the site.

2. City of Springfield only allows three acceptable methods of discharge for stormwater if a property has been modified to increase the amount, location, or character of discharge per Chapter 2 Sec 4.1.4.

a. To a Public Right-of-way (1); a recorded drainage easement, continuing to a public right-of-way or public drainage system (2); or a certified natural watercourse (3)

Development Review Staff Report



- b. If none of the three options are available then the development must be modified so that the amount, location, or character of discharge is not changed, or a downstream easement must be obtained.

Additional Stormwater Standards to be met:

1. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
2. As-builts of the detention and water quality improvements are required. we would like the following as-built notes on the plans:
 - a. The Engineer of record is required to submit an as-built certification of the stormwater control measures upon completion of the project. The contractor shall coordinate with the Engineer to identify the list of stormwater control measures requiring certification and coordinate during construction to allow the Engineer to make any observations necessary during construction to certify the measures.
3. Operation and maintenance agreements are required for any permanent stormwater control measures. O&M will need to be approved during the process and will be reviewed by ES-Water Quality per Chapter 12 Sec. 3.0.
4. Include on the Plans a calculation of the Existing Impervious Surface Area, Existing Open Space Area, Post Development Impervious Surface Area, and Post Development Open Space Area. Per Chapter 4 Sec 3.2 for Detention Summary
Existing gravel surfaces meeting the above definition are eligible for 50% Credit.

Development Review Staff Report



REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2

In order to approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.		Staff Response
1.	All property owners adjacent to the street, alley or public way have access to another street, alley or public way.	All adjacent properties have access to other public streets.
2.	The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.	All adjacent property owners have consented to the vacation of this portion of street.
3.	That the retention of the street, alley, public way or subdivision serves no useful purpose.	It has been determined that the retention of the public right-of-way is unnecessary.
4.	That the vacation will not affect the ability to use utilities, public or private.	This vacation area does not contain City Utilities' infrastructure but does contain existing sewer infrastructure which must be placed within an easement. In addition, a cross-access easement will be required for a portion of the vacated right-of-way.

Development Review Staff Report



LEGAL DESCRIPTION:

ATTACHMENT 3

DESCRIPTION OF STREET RIGHT-OF-WAY TO BE VACATED

Beginning at the Southwest (SW) corner of Lot One (1) of Kansas at Grand Phase 2, a subdivision in the City of Springfield, Greene County, Missouri; thence, South $87^{\circ}49'52''$ East, along and with the South line of said Lot 1, a distance of 459.67 feet; thence, South $02^{\circ}10'08''$ West, departing said South line, a distance of 30.00 feet to the Northeast (NE) corner of Lot Nine (9) of Young's Subdivision, a subdivision in the City of Springfield, Greene County, Missouri; thence, North $87^{\circ}49'52''$ West, along and with the North line of Lot Nine (9) and Ten (10) of Young's Subdivision, a distance of 459.72 feet to the East Right- of-Way line of Kansas Expressway; thence, North $02^{\circ}15'25''$ East, along and with said East line, a distance of 30.00 feet to the POINT OF BEGINNING; containing 0.32 acres.

NEIGHBORHOOD MEETING SUMMARY

1. Request to vacate: W. Loren Street
(subject address)
2. Meeting Date & Time: 11/8/2022; 4-6:30 PM
3. Meeting Location: 1720 Grand Street, Suite A, Springfield, MO 65802
4. Number of invitations that were sent: 27
5. How was the mailing list generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 0
7. List the verbal comments and how you plan to address any issues:

There were no verbal comments.

8. List or attach the written comments and how you plan to address any issues:

There were no written comments.

Development Review Staff Report

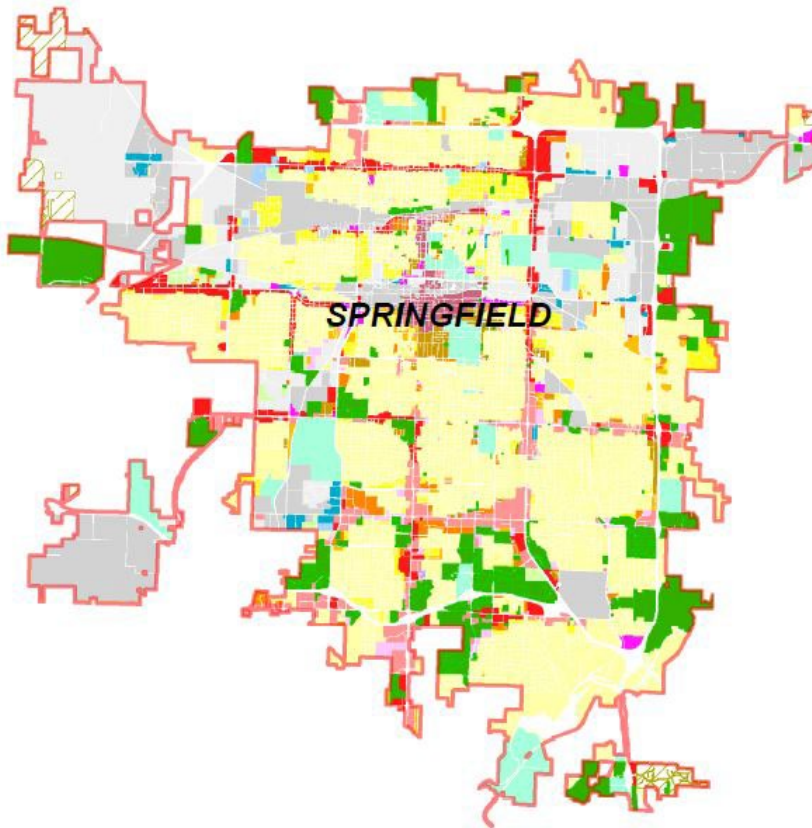


PLANNING AND ZONING COMMISSION PUBLIC HEARING:

JANUARY 12, 2023

CITY COUNCIL PUBLIC HEARING:

JANUARY 23, 2023



CASE:

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:

In response to voter approval of Constitutional Amendment 3, staff is requesting amendments to Sections 36-303, 36-321, 36-363, 36-474, and commercial and industrial districts of the Zoning Ordinance.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendments will delineate where marijuana facilities are allowed as directed by revised Article XIV of the Missouri Constitution (hereinafter Article XIV).
2. Staff is proposing to allow comprehensive marijuana facilities in the same districts and with similar standards as medical marijuana facilities.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

Over the course of the last two decades development trends have changed considerably. Easily developable, more affordable land has begun to grow scarce. New construction has slowly shifted from greenfield sites to infill and redevelopment on brownfield sites. As technological innovation and automation continue to alter consumer preferences, greater emphasis must be placed in designing and developing more responsive and flexible spaces where retailers and service providers can rely on a broader range of use categories and adaptable building types. The city's regulatory framework will need to adapt to expanding e-commerce, the emergence of the gig economy, and mixed-use development trends to ease the pressure on greenfield sites, as availability continues to decline.

Responding to the changing complexion of development and consumer preferences will warrant strategic planning at the neighborhood, corridor, and district level. Establishing targeted plans and codes can accommodate and preserve the unique character of an area, while minimizing controversial zoning cases that create community stress and require a burdensome approval process. Proactive planning represents the best opportunity to preserve and promote revitalization in established neighborhoods and commercial districts, while encouraging reinvestment and new development that provides for a sustainable future.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. Planning and Zoning Commission initiated amendments to the Zoning Ordinance in regards to comprehensive (recreational) marijuana facilities on December 15, 2022.
2. Missouri voters approved Amendment 3 for changes to the Missouri Constitution (Article XIV) on November 8, 2022. Article XIV allows the regulated use of medical marijuana including cultivation, testing, manufacture and sale. The language of the Amendment 3 ballot initiative makes changes to Article XIV, Section 1 of the Missouri Constitution regarding the medical use of marijuana and creates Section 2 of Article XIV, which establishes a program for the adult use of marijuana.
3. As of December 8th, consumers are allowed to legally possess up to 3 ounces of marijuana. However, product will not be available for consumers to purchase in a Missouri licensed dispensary facility until medical facility licensees convert their licenses to comprehensive facilities. Missouri's existing medical marijuana facilities (cultivation, manufacturing and dispensary) may now begin submitting requests to convert to a comprehensive (medical and adult-use) facility license. Because the department has 60 days from receipt to review and approve those requests, adult-use product may be available as early as February 2023. Once approved, comprehensive facilities will be allowed to sell marijuana to patient ID cardholders, primary caregiver ID cardholders and adults over the age of 21.
4. Article XIV Section 2 states that "the purpose of this section is to make marijuana legal under state and local law for adults twenty-one years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health. The intent is to prevent arrest and penalty for personal possession and cultivation of limited amounts of marijuana by adults twenty-one years of age or older; remove the commercial production and distribution of marijuana from the illicit market; prevent revenue generated from commerce in marijuana from going to criminal enterprises; prevent the distribution of marijuana to persons under twenty-one years of age; prevent the diversion of marijuana to illicit markets; protect public health by ensuring the safety of marijuana and products containing marijuana; and ensure the security of marijuana facilities. To the fullest extent possible, this section shall be interpreted in accordance with the purpose and intent set forth in this section. This section is not intended to allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age."

-
5. Staff is proposing minimal changes that will define and allow the new comprehensive marijuana facilities and existing medical marijuana facilities as required by State Law. Staff is proposing to allow comprehensive marijuana facilities in the same districts and with similar standards as medical marijuana facilities.
 6. The new Article XIV Section 2 lists four types of comprehensive marijuana facilities: cultivation, testing, marijuana-infused manufacturing, and dispensaries. It also lists two types of marijuana microbusiness facilities: dispensary and wholesale facilities. Staff has used similar definitions contained in Article XIV.
 7. A comprehensive marijuana cultivation facility is licensed by the state to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products. Staff believes this use is similar to a nursery/greenhouse operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is also proposing that this use be permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts and all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts) similar to medical marijuana cultivation facilities. A Conditional Use Permit is 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. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council. No changes.
 8. A marijuana testing facility is a facility certified by the State to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility. It will allow for the testing of all marijuana or medical marijuana facilities. Staff is 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). No changes.
 9. A comprehensive marijuana-infused products manufacturing facility is licensed by the state to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. This is similar to the medical marijuana-infused products manufacturing facilities which has two types. 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 the full 1,000-foot separation from schools. Staff is recommending a reduced separation of two hundred (200) feet between Type 2 infused-products manufacturing facilities and child day care center and church uses which is consistent with the separation requirements for medical marijuana facilities. No changes.
 10. A comprehensive marijuana dispensary facility is licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer. 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
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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 the full 1,000-foot separation from schools. Staff is recommending a reduced separation of two hundred (200) feet between dispensaries and child day care center and church uses so as to allow medical access to patients without being overly burdensome. This is consistent with the separation requirements for medical marijuana facilities. 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. A microbusiness marijuana dispensary facility is licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer. Staff believes this is similar to a retail sales use like pharmaceuticals which are allowed in the office and all commercial districts. 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) similar to the medical marijuana dispensaries.
12. A microbusiness marijuana wholesale facility is licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls. Staff is proposing that microbusiness marijuana wholesale facilities be located in the same districts as medical marijuana cultivation facilities. These uses are similar to a wholesale sales operation which is currently permitted in the Highway Commercial, Commercial Service and Industrial Commercial Districts. Staff is also proposing these uses to be permitted in all Industrial zoning districts (RI, Restricted Industrial, LI, Light Industrial, GM, General Manufacturing, HM, Heavy Manufacturing and IC, Industrial Commercial Districts). A Conditional Use Permit is 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. The CUP must be reviewed and approved by Planning and Zoning Commission and City Council.
13. Amendment 3 further defined the separation measurements between a marijuana facility and an existing elementary or secondary school, child day care center, or church uses. These measurements were made along the shortest path between the demarcation points that can be lawfully traveled by foot. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care center, or church to the closest point of the property line of the school, daycare, or church. The amendment defined a situation where if the school, day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care center, or church closest in proximity to the facility. 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 center, or church shall be measured from the property line of the school, day care center, or church to the facility's entrance or exit closest in proximity to the school, day care center, or church. If the school, day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, day care center, or church closest in proximity to the facility.
14. 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 Growth and Development Advisory Committee (GDAC), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

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:

(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:

3. Marijuana and medical marijuana facilities as defined in this article.

Sec. 36-321. Definitions.

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 marijuana or medical marijuana facilities.

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 marijuana or 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 marijuana or 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 marijuana or medical marijuana facilities.

Comprehensive facility: A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive marijuana cultivation facility: A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process

marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

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).

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 farmer's 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 marijuana or medical marijuana facilities.

Flowering marijuana plant: A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

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 marijuana or 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 marijuana or medical marijuana facilities.

Infused preroll: A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

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 marijuana 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, as defined by Missouri statute~~, or commodities or products manufactured from industrial hemp.

Marijuana facility: A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the State pursuant to Article XIV, Section 2, of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1, of the Missouri State Constitution.

Medical ~~m~~marijuana-infused products: Products that are infused, dipped, coated, sprayed, or mixed 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, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.~~

Marijuana microbusiness facility: A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

Medical ~~M~~marijuana testing facility: A facility certified by the state to acquire, test, certify, and transport marijuana, ~~including those originally licensed as a medical marijuana testing 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: 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, package store onsite or off site, transport to and from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, ~~medical~~ marijuana testing facility, medical marijuana cultivation facility, or to 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. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.~~

Medical marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer ~~marijuana as provided for in this section~~ to a qualifying patient, a primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a ~~medical~~ marijuana testing facility, a medical marijuana cultivation 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. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical marijuana facility: Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as governed by Article XIV, Section 1, of the Missouri State Constitution.

Medical marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a ~~medical~~ marijuana testing facility, a medical marijuana cultivation 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).

Microbusiness marijuana dispensary facility: A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness wholesale facility: A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

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 marijuana or 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 marijuana or medical marijuana facilities.

Preroll: A consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product.

Sec. 36-363. Conditional use permits.

7. Marijuana and Medical Marijuana facilities.
 - a. *Purpose.* The purpose of these regulations is to:

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- (i) Permit legal sale of ~~medical~~ marijuana as set forth therein and provide detailed obligations for establishing rules and regulations 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 marijuana or 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 marijuana or medical marijuana cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within 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 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. If the school, child day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, child day care center, or church closest in proximity to the facility. 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. If the school, child day care center, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, child day care center, or church closest in proximity to the facility.~~
 - C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 - D. For purposes of this subsection, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
 - E. For purposes of this subsection, a "church" means a permanent building primarily and regularly used as a place of religious worship.
 - F. For purposes of this subsection, 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 12th 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 marijuana or medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (iv) No marijuana or 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 the 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 marijuana or medical marijuana ~~establishment~~ facility.
- (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.
- (x) All marijuana and 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.

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

- (2) *Permitted uses.*
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- (q) Medical comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (r) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church, and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

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

(2) *Permitted uses.*

- (bb) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (cc) Medical comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (dd) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (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.
- (d) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center or church and as prescribed, and subject to all other ~~requirements~~ requirements in section 36-474, marijuana and medical marijuana facilities.

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

(2) *Permitted uses.*

- (gg) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, child day care center, church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (hh) Medical comprehensive or microbusiness marijuana dispensary facility. No facility ~~shall~~ shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (ii) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school or

within 200 feet of an ~~then-existing~~ child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.

(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:

- (c) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an 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, marijuana and medical marijuana facilities.

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

(2) *Permitted uses.*

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

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

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

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

(2) *Permitted uses.*

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

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- (s) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an ~~an then~~-existing elementary or secondary school, or within 200 feet of an ~~an then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (t) ~~Medical M~~marijuana testing facility. No facility shall be located within 1,000 feet of an ~~an 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, marijuana and medical marijuana facilities.
 - (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 or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~an 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, marijuana and medical marijuana facilities.

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

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

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

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

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

- (2) *Permitted uses.*
- (aa) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an ~~n 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, marijuana and medical marijuana facilities.
 - (bb) Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an ~~n then~~-existing elementary or secondary school, or within 200 feet of an ~~n then~~-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (cc) Medical or comprehensive 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 1,000 feet of an ~~n then~~-existing elementary or secondary school, child day care center or church
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- and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
- (dd) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an then-existing elementary or secondary school, or within 200 feet of an an then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (ee) ~~Medical-M~~marijuana testing facility. No facility shall be located within 1,000 feet of an an 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, marijuana and medical marijuana facilities.
- (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:
- (d) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an 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, marijuana and medical marijuana facilities.
 - (e) Medical or comprehensive 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 1,000 feet of an an 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, marijuana and medical marijuana facilities.

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

- (2) *Permitted uses.*
- (y) Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an 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, marijuana and medical marijuana facilities.
 - (z) Medical , comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an an then-existing elementary or secondary school, or within 200 feet of an an then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (aa) Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of an an then-existing elementary or secondary school, or within 200 feet of an an then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, marijuana and medical marijuana facilities.
 - (bb) ~~Medical-M~~marijuana testing facility. No facility shall be located within 1,000 feet of an an 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, marijuana and medical marijuana facilities.
- (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.
- (c) Medical or comprehensive marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of an an 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, marijuana and medical marijuana facilities.
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Sec. 36-474. ~~Marijuana and~~ Marijuana and medical marijuana facilities.

- (1) *Purpose.* The purpose of these requirements is to allow marijuana and medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.
- (2) *Marijuana and medical marijuana facility standards.* Marijuana and medical marijuana facilities as defined in this article shall follow the regulations of this article.
 - (a) A business license shall be obtained annually, and the marijuana and 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 ~~marijuana or medical marijuana facility, cultivation, infused products manufacturing, dispensary, or testing facility~~ shall be sited, at the time of application for zoning approval, within 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 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.~~ In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care center, or church to the closest point of the property line of the school, daycare, 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.~~ If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility.
 3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 4. For purposes of this section, a "child day care center" means a child care facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.
 5. For purposes of this section, a "church" means a permanent building primarily and regularly used as a place of religious worship.
 6. 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

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not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.

- (d) No marijuana or medical marijuana business facility shall be located in a building that contains a residence.
- (e) All marijuana and 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.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana establishment facility.
- (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.

Sec. 36-488. Permitted and conditional uses.

The following key is to be used in the interpretation of table 36-488, permitted and conditional uses below.

- (1) *Permitted uses.* Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this article.
- (2) *Conditional uses.* Uses which are marked as "C" in the table shall be allowed upon the approval of a conditional use permit as detailed in section 36-363.
- (3) *Prohibited uses.* A blank space in the table indicates that a use type is not allowed in the respective subdistrict.
- (4) *Uses not listed.* If a proposed use is not listed in the tables, the administrative review committee shall determine if the use is substantially similar to a use listed in the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- (5) *Conversions.* Structures existing at the time of the adoption of this ordinance [G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.
- (6) *Additional regulation.* If uses have use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses. Where use specific standards conflict with district specific standards, the district specific standards shall be followed.

Table 36-488. GAP District Permitted and Conditional Uses							
Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Residential Uses							
Dwelling, Live Work	36-489(1)		P	P	P		
Dwelling, Multifamily, stand-alone fronting Grant Avenue		C	C	C	P		P
Dwelling, Multifamily, stand-alone not fronting Grant Avenue		P	P	P	P	P	P
Dwelling, Multifamily as a part of mixed use	36-489(2)	P	P	P		P	P
Dwelling, Multifamily conversion	36-489(3)		P	P	P		

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Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	36-489(4)		P	P	P		
Dwelling, Single-Family Detached new development				C	P		
Group Home		P	P	P	P	P	P
Lodging Uses							
Bed and Breakfast	36-489(5)		P	P	P		
Hotel	36-489(6)	P	P	P		C	C
Short-Term Rental Type 1	36-473				P		
Short-Term Rental Type 2	36-473				P		
Short-Term Rental Type 3	36-473	P	P	P		P	P
Commercial Retail and Entertainment Uses							
Adult Oriented Uses							
Entertainment Oriented Use Group, less than 10,000 sq. ft.		P	P	P		P	
Entertainment Oriented Use Group, greater than 10,000 sq. ft.		C	C				
General Retail Use Group, less than 10,000 sq. ft.		P	P	P		P	P
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical <u>or comprehensive</u> Marijuana Dispensary Facility	36-474	P	P	P		P	P
Package Liquor							
Pawn Shop							
Commercial Service and Office Uses							
Daycare				P			
Personal Service Use Group, less than 10,000 sq. ft.		P	P	P		P	P
Personal Service Use Group, greater than 10,000 sq. ft.		C	C				
Medical/Dental Office		P	P	P		P	P
General Office		P	P	P		P	P
General Office, above ground floor as a part of mixed use		P	P	P		P	
General Office, conversion	36-489(7)	P	P	P	P	P	P
Title Loan/Short Term Lending							
Eating and Drinking Uses							
Restaurant/Bar/Brewpub		P	P	P		P	P
Restaurant, drive-thru							
Vehicle Oriented Uses							
Autobody Repair/Service Station							
Car Sales/Rental							
Car Wash							
Gas Station							
Commercial Off-Street Parking Lots	36-489(8)	P					
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
Industrial Uses							
Artisan Manufacturing	36-489(9)	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical <u>or comprehensive</u> Marijuana Cultivation Facility <u>or microbusiness marijuana wholesale facility</u>	36-474	P					
Medical <u>or comprehensive</u> Marijuana Infused Product	36-474	P					

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Manufacturing Type 2 Post Extraction Facility							
Medical Marijuana Testing Facilities	36-474	P					
Personal Storage							
Accessory Uses							
Accessory Structures and Uses	36-450	P	P	P	P	P	P
Home Occupations		P	P	P	P	P	P
Outdoor Display/Sale of Merchandise, Permanent							
Outdoor Storage							
Solar Energy Collection System, canopy	36-489(10)	P	P	P	P	P	P
Solar Energy Collection System, roof	36-489(11)	P	P	P	P	P	P
Temporary Uses							
Farm Stand	36-489(12)				P		
Farmers Market		P	P	P		P	P
Food Truck		P	P	P		P	P
Outdoor Display/Sale of Merchandise, Temporary		P	P	P		P	P
Seasonal Sales		P	P	P		P	P

Attachment 3

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article XIV is amended by amending Section 1 of Article XIV and enacting one new section to be known as Section 2 of Article XIV, to read as follows:

XIV Section 1. Right to access medical marijuana. — 1. Purposes.

This section is intended to permit state-licensed physicians and nurse practitioners to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The section allows patients with qualifying medical conditions the right to discuss freely with their physicians and nurse practitioners the possible benefits of medical marijuana use, the right of their physicians and nurse practitioners to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician or nurse practitioner.

This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their primary caregivers, and their physicians and nurse practitioners from civil and criminal penalties, and to allow for the limited legal production, distribution, sale and purchase of marijuana for medical use. This section is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.

2. Definitions.

(1) "Administer" means the direct application of marijuana to a qualifying patient by way of any of the following methods:

(a) Ingestion of capsules, teas, oils, and other marijuana-infused products;

(b) Vaporization or smoking of dried flowers, buds, plant material, extracts, [or] oils, and other marijuana-infused products;

(c) Application of ointments or balms;

(d) Transdermal patches and suppositories;

(e) Consuming marijuana-infused food products; or

(f) Any other method recommended by a qualifying patient's physician or nurse practitioner.

(2) "Church" means a permanent building primarily and regularly used as a place of religious worship.

(3) "Daycare" means a child-care facility, as defined by section 210.201, RSMo., or successor provisions, that is licensed by the state of Missouri.

(4) "Department" means the department of health and senior services, or its successor agency.

[(3)] (5) "Entity" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

[(4)] (6) "Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(7) "Infused Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

[(5)] (8) "Marijuana" or "marihuana" means *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 marijuana 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,] as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

[(6)] (9) "Marijuana-infused products" means products that are infused, dipped, coated, sprayed, or mixed 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.] products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

(10) "Medical Facility" means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in this section.

[(7)] (11) "Medical marijuana cultivation facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, medical marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

[(8)] (12) "Medical marijuana dispensary facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a [medical] marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

[(9)] (13) "Medical marijuana-infused products manufacturing facility" means a facility licensed by the department to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a [medical] marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

[(10)] (14) "[Medical marijuana] Marijuana testing facility" means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

[(11)] (15) "Medical use" means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(16) "Nurse practitioner" means an individual who is licensed and in good standing as an advanced practice registered nurse, or successor designation, under Missouri law.

(17) "Owner" means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

[(12)] (18) "Physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

[(13)] (19) "Physician or nurse practitioner certification" means a document, whether handwritten, electronic or in another commonly used format, signed by a physician or a nurse practitioner and stating that, in the physician's or nurse practitioner's professional opinion, the patient suffers from a qualifying medical condition.

(20) "Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

[(14)] (21) "Primary caregiver" means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

[(15)] (22) "Qualifying medical condition" means the condition of, symptoms related to, or side-effects from the treatment of:

- (a) Cancer;
- (b) Epilepsy;
- (c) Glaucoma;
- (d) Intractable migraines unresponsive to other treatment;
- (e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;
- (f) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- (g) Human immunodeficiency virus or acquired immune deficiency syndrome;
- (h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician or nurse practitioner determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;
- (i) Any terminal illness; or
- (j) In the professional judgment of a physician or nurse practitioner, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

[(16)] (23) "Qualifying patient" means [a Missouri resident] an individual diagnosed with at least one qualifying medical condition.

(24) "Unduly burdensome" (when referring to a facility licensee or certificate holder) means the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject the party to such a high investment or expense of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the facility; and. (when referring to qualifying patients, primary caregivers, physicians, nurse practitioners, or other party) "unduly burdensome" means the measures necessary to comply with the rules or ordinances adopted pursuant to this section undermine the purpose of this section.

3. Creating Patient Access to Medical Marijuana.

(1) In carrying out the implementation of this section, the department shall have the authority to:

(a) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana and marijuana-infused products for medical use, as provided by this section and general law; suspend, impose an authorized fine, restrict, or revoke such licenses and certifications upon a violation of this section, general law, or a rule promulgated pursuant to this section; and impose any administrative penalty authorized by this section or any general law enacted or rule promulgated pursuant to this section, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety.

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and for the enforcement of this section so long as patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and qualifying patients.

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section[;].

(d) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a qualifying patient or primary caregiver to ensure that no medical marijuana grown by a medical marijuana cultivation facility or manufactured by a medical marijuana-infused products manufacturing facility is sold or otherwise transferred except by a medical marijuana dispensary facility. The department shall certify, if possible, at least two commercially available systems to licensees as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees.

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities which demonstrate compliance with its transportation standards to transport marijuana and marijuana-infused products to or from a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a [medical] marijuana testing facility, or another entity with a transportation certification. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation of marijuana and marijuana-infused products. Any entity licensed or certified pursuant to this section shall be allowed to transport and store [cannabis] marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) and marijuana-infused products for purposes related to transportation in compliance with department regulations on storage of marijuana and marijuana-infused products.

(f) The department may charge a fee not to exceed \$5,000 for any certification issued pursuant to this section.

(g) Prepare and transmit annually a publicly available report accounting to the governor for the efficient discharge of all responsibilities assigned to the department under this section[;].

(h) [Establish a system to numerically score competing medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section, which scoring shall be limited to an analysis of the following:] Establish a lottery selection process to select medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section. To be eligible for the medical marijuana license lottery process, an applicant cannot have an owner who has pleaded or been found guilty of a disqualifying felony. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(i) The person's conviction was for a marijuana offense, other than provision of marijuana to a minor; or

(ii) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five years old; or

(iii) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent felony criminal offenses.

The department may consult with and rely on the records, advice, and recommendations of the attorney general and the department of public safety, or their successor entities, in carrying out the provisions of this subdivision.

[(i) the character, veracity, background, qualifications, and relevant experience of principal officers or managers;

(ii) the business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making marijuana available to low-income qualifying patients;

(iii) site security;

(iv) experience in a legal cannabis market;

(v) in the case of medical marijuana testing facilities, the experience of their personnel with testing marijuana, food or drugs for toxins and/or potency and health care industry experience;

(vi) the potential for positive economic impact in the site community;

(vii) in the case of medical marijuana cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

(viii) in the case of medical marijuana dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for patients;

(ix) in the case of medical marijuana-infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

(x) maintaining competitiveness in the marijuana for medical use marketplace.]

In [ranking] establishing a lottery selection process to select medical marijuana licensee and certificate applicants and awarding licenses and certificates, the department may consult or contract with other public agencies with relevant expertise [regarding these factors]. The department shall lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients.

(2) The department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department may issue rules or emergency rules relating to the following subjects:

(a) Compliance with, enforcement of, or violation of any provision of this section or any rule issued pursuant to this section, including procedures and grounds for denying, suspending, [fining,] imposing an authorized fine, and restricting, or revoking a state license or certification issued pursuant to this section, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety;

- (b) Specifications of duties of officers and employees of the department;
- (c) Instructions or guidance for local authorities and law enforcement officers;
- (d) Requirements for inspections, investigations, searches, seizures, and such additional enforcement activities as may become necessary from time to time;
- (e) [Creation of a range of] As otherwise authorized by this section or general law, administrative penalties and policies for use by the department;
- (f) Prohibition of misrepresentation and unfair practices;
- (g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient and/or primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not for profit charity or advocacy events. While the department shall have the general power to regulate the advertising and promotion of marijuana sales, under all circumstances, any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales;
- (h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified pursuant to this section, including a fingerprint-based federal and state criminal record check in accordance with U.S. Public Law 92-544, or its successor provisions, as may be required by the department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to section 43.543, RSMo, or its successor provisions, and fees shall be paid pursuant to section 43.530, RSMo, or its successor provisions. Unless otherwise required by law, no individual shall be required to submit fingerprints more than once;
- (i) Security requirements for any premises licensed or certified pursuant to this section, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications to the premises;
- (j) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;
- (k) Sanitary requirements for, including, but not limited to, the preparation of medical marijuana-infused products;
- (l) The specification of acceptable forms of picture identification that a medical marijuana dispensary facility may accept when verifying a sale;
- (m) Labeling and packaging standards;
- (n) Records to be kept by licensees and the required availability of the records;
- (o) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;
- (p) The reporting and transmittal of tax payments;
- (q) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(3) The department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licensees and requiring licensees to test medical marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling and measure potency. The department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale.

(4) The department shall issue rules or emergency rules to provide for the certification of and standards for [medical] marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. The department shall certify, if possible, at least two entities as [medical] marijuana testing facilities. No [medical] marijuana testing facility shall be owned by an entity or entities under substantially common control, ownership, or management as a medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, or medical marijuana dispensary facility.

(5) [The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or revealing any patient information, or any other records that are exempt from public inspection pursuant to state or federal law. Such reports or other information may be used only for a purpose authorized by this section.] Any information released by the department related to patients may [be used] only be for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification card to a state or local law enforcement official is lawfully in possession of such card. Beginning December 8, 2022, all public records produced or retained pursuant to this section are subject to the general provisions of the Missouri Sunshine Law, chapter 610, RSMo, or its successor provisions. Notwithstanding the foregoing, records containing proprietary business information obtained from an applicant or licensee shall be closed. For documents submitted on or after December 8, 2022, the applicant or licensee shall label business information it believes to be proprietary prior to submitting it to the department. For documents submitted prior to December 8, 2022, the applicant or licensee may advise the department, through a department approved process, of any records previously submitted by the applicant or licensee it believes contain proprietary business information. Proprietary business information shall include sales information, financial records, tax returns, credit reports, license applications, cultivation information unrelated to product safety, testing results unrelated to product safety, site security information and plans, and individualized consumer information. The presence of proprietary business information shall not justify the closure of public records:

(a) identifying the applicant or licensee;

(b) relating to any citation, notice of violation, tax delinquency, or other enforcement action;

(c) relating to any public official's support or opposition relative to any applicant, licensee, or their proposed or actual operations;

(d) where disclosure is reasonably necessary for the protection of public health or safety;
or

(e) that are otherwise subject to public inspection under other applicable law.

(6) Within one hundred eighty days of December 6, 2018, the department shall make available to the public license application forms and application instructions for medical marijuana cultivation facilities, [medical] marijuana testing facilities, medical marijuana dispensary facilities, and medical marijuana-infused products manufacturing facilities.

(7) Within one hundred eighty days of December 6, 2018, the department shall make available to the public application forms and application instructions for qualifying patient, qualifying patient cultivation, and primary caregiver identification cards. Within two hundred ten days of December 6, 2018, the department shall begin accepting applications for such identification cards.

(8) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. [No more than three medical marijuana cultivation facility licenses shall be issued to any entity under substantially common control, ownership, or management.] An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana cultivation facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(9) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. [No more than five medical marijuana dispensary facility licenses shall be issued to any entity under substantially common control, ownership, or management.] An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana dispensary facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(10) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. [No more than three medical marijuana-infused products manufacturing facility licenses shall be issued to any entity under substantially common control, ownership, or management.] An entity or entities under substantially common control, ownership, or management may not be an owner of more than ten percent of the total marijuana-infused products manufacturing facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(11) Any applicant for a license authorized by this section may prefile their application fee with the department beginning 30 days after December 6, 2018.

(12) Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) for the exclusive use of that qualifying patient. The card shall be valid for [twelve months] three years from its date of issuance and shall be renewable with the [annual] submittal of a new or updated [physician's] physician or nurse practitioner certification. The department shall charge [an annual] a fee for the card of [one hundred] fifty dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(13) The department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that limit is not less than [four] six ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from [two independent physicians] a physician or nurse practitioner that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the department.

(14) The department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty-day supply of dried, unprocessed marijuana, or its equivalent. A primary caregiver may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient. Qualifying patients cultivating marijuana for medical use may possess up to a ninety-day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a qualifying patient with written certification from [two independent physicians] an independent physician or nurse practitioner that there are compelling reasons for additional amounts. Possession of between the legal limit and up to twice the legal limit shall subject the possessor to department sanctions, including an administrative penalty of up to two hundred dollars and loss of their patient identification card for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable [by imprisonment of up to one year and a fine of up to two thousand dollars] as an infraction under applicable law.

(15) The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities and comprehensive marijuana cultivation facilities authorized by section 2 combined, provided, however, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(16) The department may restrict the aggregate number of licenses granted for medical marijuana-infused products manufacturing facilities and comprehensive marijuana-infused products manufacturing facilities authorized by section 2 combined, provided, however, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(17) The department may restrict the aggregate number of licenses granted for medical marijuana dispensary facilities and comprehensive marijuana dispensary facilities authorized by section 2 combined, provided, however, that the number may not be limited to fewer than twenty-four licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018. Future changes to the boundaries of or the number of congressional districts shall have no impact.

(18) The department shall begin accepting license and certification applications for medical marijuana dispensary facilities, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-sale tracking systems, and for transportation of marijuana no later than two hundred forty days after

December 6, 2018. Applications for licenses and certifications under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out its nondiscretionary duty to approve or deny an application within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the department to approve or deny the application.

(19) Qualifying patients under this section shall obtain [and annually renew] an identification card or cards from the department. The department shall charge a fee of twenty-five dollars [per year] per card, [with such fee to] Such fee may be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor or its successor agency. Cards shall be valid for three years and may be renewed with a new physician or nurse practitioner certification. Upon receiving an application for a qualifying patient identification card or qualifying patient cultivation identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial. If the department fails to deny and fails to issue a card to an eligible qualifying patient within thirty days, then their physician or nurse practitioner certification shall serve as their qualifying patient identification card or qualifying patient cultivation identification card for up to one year from the date of physician or nurse practitioner certification. All initial applications for or renewals of a qualifying patient identification card or qualifying patient cultivation identification card shall be accompanied by a physician or nurse practitioner certification that is less than thirty days old.

(20) Primary caregivers under this section shall obtain [and annually renew] an identification card from the department. Cards shall be valid for three years. The department shall charge a fee of twenty-five dollars per [year, with such fee to] card. Such fee may be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a primary caregiver identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial.

(21) Except as otherwise provided in this Article, all [All] marijuana for medical use sold in Missouri shall be cultivated in a licensed medical marijuana cultivation facility located in Missouri.

(22) Except as otherwise provided in this Article, all [All] marijuana-infused products for medical use sold in the state of Missouri shall be manufactured in a medical marijuana-infused products manufacturing facility.

(23) The denial of a license, license renewal, or identification card by the department shall be appealable to the administrative hearing commission, or its successor entity. Following the exhaustion of administrative review, denial of a license, license renewal, or identification card by the department shall be subject to judicial review as provided by law.

(24) No elected official shall interfere directly or indirectly with the department's obligations and activities under this section.

(25) The department shall not have the authority to apply or enforce any unduly burdensome rule or regulation or administrative penalty [that would impose an undue burden on] upon any one or more licensees or certificate holders, any qualifying patients, or their primary caregivers, or act to undermine the purposes of this section.

4. Taxation and Reporting.

(1) A tax is levied upon the retail sale of marijuana for medical use sold at medical marijuana dispensary facilities within the state. The tax shall be at a rate of four percent of the retail price. The tax shall be collected by each licensed medical marijuana dispensary facility and paid to the department of revenue. After retaining no more than [five] two percent for its actual collection costs, amounts generated by the medical marijuana tangible personal property retail sales tax levied in this section shall be deposited by the department of revenue into the Missouri veterans' health and care fund. Licensed entities making retail sales within the state shall be

allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

(2) There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund", which shall consist of taxes and fees collected under this section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other funds are invested. Any interest and monies earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the department, an amount necessary for the department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Next, the remainder of such funds shall be transferred to the Missouri veterans commission for health and care services for military veterans, including the following purposes: operations, maintenance and capital improvements of the Missouri veterans homes, the Missouri service officer's program, and other services for veterans approved by the commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, tuition assistance, and housing assistance to prevent homelessness. The Missouri veterans commission shall contract with other public agencies for the delivery of services beyond its expertise.

(c) All monies from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(3) For all retail sales of marijuana for medical use, a record shall be kept by the seller which identifies, by secure and encrypted patient number issued by the seller to the qualifying patient involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from, and in addition to, any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Except as authorized in this subsection, no additional taxes shall be imposed on the sale of marijuana for medical use.

(6) The fees and taxes provided for in this Article XIV, Section 1 shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(7) The unexpended balance existing in the fund shall be exempt from the provisions of section 33.080, RSMo, or its successor provisions, relating to the transfer of unexpended balances to the general revenue fund.

(8) For taxpayers authorized to do business pursuant to this Article, the amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 280E of the Internal Revenue Code as in effect on January 1, 2021, or successor provisions, but is disallowed because cannabis is a controlled substance under federal law, shall be subtracted from the taxpayer's federal adjusted gross income, in determining the taxpayer's Missouri adjusted gross income.

5. Additional Patient, Physician, Nurse Practitioner, Caregiver and Provider Protections.

(1) Except as provided in this section, the possession of marijuana in quantities less than the limits of this section, or established by the department, and transportation of marijuana [from a medical marijuana dispensary facility to the qualifying patient's residence] by the qualifying patient or primary caregiver shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the appropriate authority a valid qualifying patient identification card; a valid qualifying patient cultivation identification card; a valid physician or nurse practitioner certification while making application for an identification card; or a valid primary caregiver identification card. Production of the respective substantially equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision and shall allow for the purchase of medical marijuana for use by a non-resident patient from a medical marijuana dispensary facility as permitted by this section and in compliance with department regulations.

(2) No patient shall be denied access to or priority for an organ transplant or other medical care because they hold a qualifying patient identification card or use marijuana for medical use.

(3) A physician or nurse practitioner shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri state board of registration for the healing arts, the Missouri state board of nursing, or [its] their respective successor [agency] agencies, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or issuing a physician or nurse practitioner certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

(5) A [medical] marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by nonemancipated qualifying patients under eighteen years of age in a manner consistent with this section and with consent of a parent or guardian.

(7) A primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) per patient and no more than twenty-four flowering plants for more than one qualifying patient in a manner consistent with this section and generally established legal standards of personal or professional conduct.

(8) [An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, qualifying patients, primary caregivers, physicians, health care providers or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.] Notwithstanding any provision of Article V to the contrary, an attorney shall not be subject to disciplinary action by the Supreme Court of Missouri, the office of chief disciplinary counsel, the state bar association, any state agency, or any professional licensing body for any of the following:

(a) owning, operating, investing in, being employed by, or contracting with prospective or licensed marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, or transportation certificate holders;

(b) counseling, advising, and/or assisting a client in conduct permitted by Missouri law that may violate or conflict with federal or other law, as long as the attorney advises the client about that federal or other law and its potential consequences;

(c) counseling, advising, and/or assisting a client in connection with applying for, owning, operating, or otherwise having any legal, equitable, or beneficial interest in marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, or transportation certificates; or

(d) counseling, advising or assisting a qualifying patient, primary caregiver, physician, nurse practitioner, health care provider or other client related to activity that is no longer subject to criminal penalties under Missouri law pursuant to this Article.

(9) Actions and conduct by qualifying patients, primary caregivers, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities licensed or registered with the department, or their employees or agents, as permitted by this section and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(10) Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of marijuana.

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, [medical] marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

(12) In the process of requesting a search or arrest warrant relating to the production, possession, transportation or storage of marijuana, a state or local law enforcement official shall verify with the department whether the targeted person is a qualifying patient or primary caregiver holding an identification card allowing for cultivation of marijuana plants under subdivision (12) of subsection 3 of this section, and shall inform the issuing authority accordingly when making the warrant request. Evidence of marijuana alone, without specific evidence indicating that the marijuana is outside of what is lawful for medical or adult use, cannot be the basis for a search of a patient or non-patient, including their home, vehicle or other property. Lawful marijuana related activities cannot be the basis for a violation of parole, probation, or any type of supervised release. State and local law enforcement shall only have access to such department information as is necessary to confirm whether the targeted person holds a registration card.

(13) Registered qualifying patients on bond for pre-trial release, on probation, or other form of supervised release shall not be prohibited from legally using a lawful marijuana product as a term or condition of release, probation, or parole. An alternative sentencing drug court program may not prohibit individuals under its jurisdiction from using a lawful marijuana product as long as the individual is a registered qualifying patient.

(14) A family court participant or party who requires treatment for a qualified medical condition in accordance with this section shall not be required to refrain from using medical marijuana as a term or condition of successful completion of the family court program. The

status and conduct of a qualified patient who acts in accordance with this section shall not, by itself, be used to restrict or abridge custodial or parental rights to minor children in any action or proceeding under the jurisdiction of a family court under chapter 487, RSMo, including domestic matters under chapter 452, RSMo, or a juvenile court under chapter 211, RSMo, or successor provisions.

(15) A person shall not be denied adoption, custody, or visitation rights relative to a minor solely for conduct that is permitted by this section.

(16) No person shall be denied their rights under Article 1, section 23 of the Missouri Constitution, or successor provisions, solely for conduct that is permitted by this section.

6. Legislation.

Nothing in this section shall limit the general assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of this section. The legislature shall not enact laws that hinder the right of qualifying patients to access marijuana for medical use as granted by this section.

7. Additional Provisions.

(1) Nothing in this section permits a person to:

(a) Consume marijuana for medical use in a jail or correctional facility;

(b) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana. Notwithstanding the foregoing, an arrest or a conviction of a person who has a valid qualifying patient identification card for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in actual physical control of the dangerous device or motor vehicle, aircraft or motorboat and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No medical marijuana cultivation facility, [medical] marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a nonviolent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

The department may consult with and rely on the records, advice and recommendations of the attorney general and the department of public safety, or their successor entities, in applying this subdivision.

(3) [All medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility licenses, entities with medical marijuana testing facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities.

(4) No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand dollars and loss of license.

[(5)] (4) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled as mandated by the department[, in a font size at least as large as the largest other font size used on the package,] as containing "Marijuana", or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of five thousand dollars.

[(6)] (5) No individual shall serve as the primary caregiver for more than [three] six qualifying patients. No primary caregiver cultivating marijuana for more than one qualifying patient may exceed a total of twenty-four flowering plants.

[(7)] No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law.] (6) A person who smokes medical marijuana in a public place, other than in an area licensed for such activity by the department or by local authorities having jurisdiction over the licensing or permitting of said activity, is subject to a civil penalty not exceeding one hundred dollars.

[(8)] (7) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of one thousand dollars for a patient or primary caregiver and ten thousand dollars for a facility licensee and, if applicable, loss of their identification card, certificate, or license for up to one year.

[(9)] (8) All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the qualifying patient or by such patient's primary caregiver. Two qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed, locked facility. [No more than twelve qualifying patient or primary caregiver cultivated flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when a primary caregiver also holds a qualifying patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single, enclosed, locked facility.] Primary caregivers cultivating marijuana for more than one qualifying patient may cultivate each respective qualifying patient's flowering plants in a single, enclosed locked facility subject to the limits of subsection 3, paragraph 12.

[(10)] (9) No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, [medical] marijuana testing facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise

transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

[(11)] (10) (a) Unless allowed by the local government, no new medical marijuana cultivation facility, [medical] marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot. No local government shall prohibit medical marijuana cultivation facilities, [medical] marijuana testing facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, 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. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a medical marijuana cultivation facility, [medical] marijuana testing facility, medical marijuana-infused products manufacturing facility, medical marijuana dispensary facility, or entity holding a transportation certification that may operate in such locality.

(b) The only local government ordinances or regulations that are binding on a medical facility are those of the local government where the medical facility is physically located.

[(12)] (11) Unless superseded by federal law or an amendment to this Constitution, a physician or nurse practitioner shall not certify a qualifying condition for a patient by any means other than providing a physician or nurse practitioner certification for the patient, whether handwritten, electronic, or in another commonly used format. [A qualifying patient must obtain a new physician certification at least annually.]

[(13)] (12) A physician or nurse practitioner shall not issue a certification for the medical use of marijuana for a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient identification card on behalf of a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as a primary caregiver for a nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical marijuana for a nonemancipated qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a nonemancipated qualifying patient under the age of eighteen.

[(14)] (13) Nothing in this section shall be construed as mandating health insurance coverage of medical marijuana for qualifying patient use.

[(15)] (14) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

(15) Unless a failure to do so would cause an employer to lose a monetary or licensing-related benefit under federal law, an employer may not discriminate against a person in hiring,

termination or any term or condition of employment or otherwise penalize a person, if the discrimination is based upon either of the following:

(a) The person's status as a qualifying patient or primary caregiver who has a valid identification card, including the person's legal use of a lawful marijuana product off the employer's premises during nonworking hours, unless the person was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment; or

(b) A positive drug test for marijuana components or metabolites of a person who has a valid qualifying patient identification card, unless the person used, possessed, or was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment.

Nothing in this subdivision shall apply to an employee in a position in which legal use of a lawful marijuana product affects in any manner a person's ability to perform job-related employment responsibilities or the safety of others, or conflicts with a bona fide occupational qualification that is reasonably related to the person's employment.

(16) The enactment of section 2 of this Article and concurrent amendments to section 1 of this Article shall have no effect upon any valid contract, claim, or cause of action instituted prior to the effective date of this section.

8. Federal Legalization.

If federal law, rules, or regulations are amended to allow the interstate commerce of marijuana or marijuana-infused products or the importation or exportation of marijuana or marijuana-infused products into or out of the state of Missouri, the provisions and intent of this section shall, to the extent possible, remain in full effect, unless explicitly preempted by such federal law, rule, or regulation. If federal law, rules, or regulations are amended as provided above, any marijuana or marijuana-infused products imported into this state shall be subject to the same testing standards and seed to sale tracking system required under this section for marijuana and marijuana-infused products produced within the state. Unless federal law, rules, or regulations explicitly require otherwise, no entity shall sell, transport, produce, distribute, deliver, or cultivate marijuana or marijuana-infused products without an applicable license or certificate as required under this section. In addition, any raw biomass of marijuana or marijuana flower imported from out-of-state shall be received only by a licensed cultivation facility, while all batch oil, infused marijuana products and any marijuana product in any other form shall be received only by a licensed manufacturing facility.

[8.] 9. Severability.

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

[9. Effective Date.

The provisions of this section shall become effective on December 6, 2018.]

Section 2. Marijuana Legalization, Regulation, and Taxation

1. Purpose.

The purpose of this section is to make marijuana legal under state and local law for adults twenty-one years of age or older, and to control the commercial production and distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health. The intent is to prevent arrest and penalty for personal possession and cultivation of limited amounts of marijuana by adults twenty-one years of age or older; remove the commercial production and distribution of marijuana from the illicit market; prevent revenue generated from commerce in marijuana from going to criminal enterprises; prevent the

distribution of marijuana to persons under twenty-one years of age; prevent the diversion of marijuana to illicit markets; protect public health by ensuring the safety of marijuana and products containing marijuana; and ensure the security of marijuana facilities. To the fullest extent possible, this section shall be interpreted in accordance with the purpose and intent set forth in this section.

This section is not intended to allow for the public use of marijuana, driving while under the influence of marijuana, the use of marijuana in the workplace, or the use of marijuana by persons under twenty-one years of age.

2. Definitions.

(1) "Church" means a permanent building primarily and regularly used as a place of religious worship.

(2) "Comprehensive Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

(3) "Comprehensive Marijuana Cultivation Facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

(4) "Comprehensive Marijuana Dispensary Facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in section 1 of this Article, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of this Article and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in this Article and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

(5) "Comprehensive Marijuana-Infused Products Manufacturing Facility" means a facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

(6) "Consumer" means a person who is at least twenty-one years of age.

(7) "Daycare" means a child-care facility, as defined by section 210.201, RSMo., or successor provisions, that is licensed by the state of Missouri.

(8) "Department" means the department of health and senior services, or its successor agency.

(9) "Entity" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability

company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(10) "Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(11) "Infused Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

(12) "Local government" means, in the case of an incorporated area, a village, town, or city and, in the case of an unincorporated area, a county.

(13) "Marijuana" or "marihuana" means *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 marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

(14) "Marijuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

(15) "Marijuana Facility" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the department pursuant to this section, but shall not include a medical facility licensed under section 1 of this Article.

(16) "Marijuana-Infused Products" means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

(17) "Marijuana Microbusiness Facility" means a facility licensed by the department as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this section.

(18) "Microbusiness Dispensary Facility" means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as that term is defined in section 1 of this Article, or primary caregiver, as that term is defined in section 1 of this Article, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this Article and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

(19) "Microbusiness Wholesale Facility" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

(20) "Marijuana Testing Facility" means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

(21) "Owner" means an individual who has a financial (other than a security interest, lien, or encumbrance) or voting interest in ten percent or greater of a marijuana facility.

(22) "Preroll" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

(23) "Unduly burdensome" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject licensees or potential licensees to such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marijuana facility.

3. Limitations.

(1) Except as otherwise provided in this Article, this section does not preclude, limit, or affect laws that assign liability relative to, prohibit, or otherwise regulate:

(a) Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one years of age;

(b) Purchase, possession, use, or transport of marijuana or marijuana accessories by a person younger than twenty-one years of age;

(c) Consumption of marijuana by a person younger than twenty-one years of age;

(d) Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system;

(e) Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(f) Smoking marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

(g) Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correctional facility;

(h) Smoking marijuana in a location where smoking tobacco is prohibited;

(i) Consumption of marijuana in a public place, other than in an area licensed by the authorities having jurisdiction over the licensing and/or permitting of said activity, as set forth in subsection 5 of this section;

(j) Conduct that endangers others;

(k) Undertaking any task while under the influence of marijuana, if doing so would constitute negligence, recklessness, or professional malpractice; or

(l) Performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol, unless licensed for this activity by the department.

(2) This section does not limit any privileges, rights, immunities, or defenses of a person or entity as provided in section 1 of this Article, or any other law of this state allowing for or regulating marijuana for medical use.

(3) This section does not require an employer to permit or accommodate conduct otherwise allowed by this section in any workplace or on the employer's property. This section does not prohibit an employer from disciplining an employee for working while under the influence of marijuana. This section does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because that person was working while under the influence of marijuana.

(4) This section allows an entity to prohibit or otherwise limit the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana-infused products, and marijuana accessories on private property the entity owns, leases, occupies, or manages, except that a lease agreement executed after the effective date of this section may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking.

(5) The enactment of this section and all concurrent amendments to section 1 of this Article shall have no effect upon any valid contract, claim, or cause of action instituted prior to the effective date of this section.

4. Regulation of Marijuana.

(1) In carrying out the implementation of this section and as conditioned herein, the department shall have the authority to:

(a) Grant or refuse state licenses for the cultivation, manufacture, dispensing, and sale of marijuana; suspend, restrict, or revoke such licenses upon a violation of this section or a rule promulgated pursuant to this section; and impose any reasonable administrative penalty authorized by this section or any general law enacted or rule promulgated pursuant to this section, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety;

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana and for the enforcement of this section so long as such rules are reasonable and not unduly burdensome;

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section;

(d) Require a seed-to-sale tracking system that tracks marijuana from either the seed or immature plant stage until the marijuana or marijuana-infused product is sold to a qualified patient, primary caregiver, or consumer to ensure that no marijuana grown by a medical marijuana cultivation facility, comprehensive marijuana cultivation facility, or microbusiness wholesale facility, or manufactured by a medical marijuana-infused products manufacturing facility, a comprehensive marijuana-infused products manufacturing facility, or a microbusiness wholesale facility is sold or otherwise transferred to a consumer, qualified patient, or primary caregiver except by a medical marijuana dispensary facility, a comprehensive dispensary facility, or a microbusiness dispensary facility. The department shall certify all commercially available tracking systems that are compliant with its tracking standards and issue standards for the creation or use of other systems by licensees;

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities that demonstrate compliance with its transportation standards to transport marijuana and marijuana-infused products to or from a comprehensive facility, medical facility, microbusiness facility, another entity with a transportation certification, or any entity licensed pursuant to paragraph (g) of this subdivision. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation and temporary storage of marijuana and marijuana-infused products. Any entity licensed or certified pursuant to this

section shall be allowed to transport its own inventory and products in compliance with department transportation rules and store marijuana and marijuana-infused products for the purposes related to transportation in compliance with department regulations on secure storage of marijuana and marijuana-infused products;

(f) Promulgate rules and emergency rules specific to the licensing, regulation, and oversight of marijuana microbusiness facilities;

(g) Provide for the issuance of additional types or classes of licenses to operate marijuana-related businesses that:

(i) allow for only transportation, delivery, or storage of marijuana; or

(ii) are intended to facilitate scientific research or education.

(h) Prepare and transmit annually a publicly available report accounting to the governor, the general assembly, and the public for the efficient discharge of all responsibilities assigned to the department under this section. The report shall provide aggregate data for each type of license (medical, comprehensive, and microbusiness) and facility (dispensary, cultivation, manufacturers, wholesalers.) Only non-identifying information shall be provided regarding any marijuana facility owners;

(i) Establish a lottery selection process to select comprehensive facility licenses, certificate holders, marijuana microbusiness licensees, but not medical facility licensees that are converting to comprehensive licenses pursuant to this subsection. To become eligible for any license lottery selection process, an owner cannot have pleaded guilty or been found guilty of a disqualifying felony, as that term is defined in subsection 9 of this section.

(j) In developing a lottery selection process to award licenses and certificates, the department may consult or contract with other public agencies with relevant expertise.

(k) While not required as a prerequisite to participation in a comprehensive license lottery, every comprehensive license applicant shall submit to the department a voluntary plan to promote and encourage participation in the regulated marijuana industry by people from communities that have been disproportionately impacted by marijuana prohibition. The plan may include strategies to address geographical defined communities that have been disproportionately impacted by marijuana prohibition; provide for ownership opportunities for disproportionately impacted communities; and provide for employment, supplier, and vendor opportunities for individuals and businesses in communities that have been disproportionately impacted by marijuana prohibition. If licensed, any voluntary applicant plan shall be enforceable by the department.

(l) Notwithstanding other grants of authority herein, neither the department nor any governmental body may restrict the production or use of marijuana and marijuana-infused products based solely upon THC content.

(m) Set a limit on the amount of marijuana that may be purchased in a single transaction provided that limit is not less than three ounces of dried, unprocessed marijuana, or its equivalent.

(n) Regulate the advertising and promotion of marijuana sales, but any such regulation shall be no more stringent than comparable state regulations on the advertising and promotion of alcohol sales.

(2) The department shall issue, at a minimum, the same number of comprehensive marijuana cultivation facility licenses as were authorized or issued for medical marijuana cultivation facilities under section 1 of this Article as of December 7, 2022, the same number of comprehensive marijuana-infused products manufacturing facility licenses as were authorized or issued for medical marijuana-infused products manufacturing facilities under section 1 of this Article as of December 7, 2022, the same number of comprehensive marijuana dispensary facility licenses with the same congressional distribution requirements as were authorized or issued for medical marijuana dispensary facilities under section 1 of this Article as of December 7, 2022, in addition to the minimum number of marijuana microbusiness licenses as are required under this section. The department may lift or ease any limit on the number of licensees or

certificate holders in order to meet the demand for marijuana in the state and to ensure a competitive market while also preventing an over-concentration of marijuana facilities within the boundaries of any particular local government.

(3) If comprehensive facility licenses become available because the number of total issued licenses in any respective category falls below the minimum required under this section or the department determines more comprehensive facility licenses are necessary to meet the requirements of subdivision (2) of this subsection, the department shall award by lottery at least fifty percent of any new licenses available to satisfy the minimum requirement to applicants who are owners of a marijuana microbusiness facility that has been in operation for at least one year and is in good standing with the department and is otherwise qualified for the license.

(4) The department may issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana by consumers. In developing such rules or emergency rules, the department may consult or contract with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department shall issue rules or emergency rules relating to the following subjects:

(a) Procedures for issuing a license and for renewing, suspending, and revoking a license, so long as any procedure related to a suspension or revocation includes a reasonable cure period, not less than thirty days, prior to the suspension or revocation, except in instances where there is a credible and imminent threat to public health or public safety;

(b) Requirements and standards for safe cultivation, processing, and distribution of marijuana and marijuana-infused products by marijuana facilities, including health standards to ensure the safe preparation of marijuana-infused products;

(c) Testing, packaging, and labeling standards, procedures, and requirements for marijuana and marijuana-infused products and a requirement that a representative sample of marijuana be tested by a marijuana testing facility to ensure public health;

(d) Labeling standards that protect public health by requiring the listing of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;

(e) Requirements that packaging and labels shall not be made to be attractive to children, required warning labels, and that marijuana and marijuana-infused products be sold in resealable, child-resistant packaging to protect public health;

(f) Security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marijuana between marijuana facilities;

(g) Record keeping requirements for marijuana facilities and monitoring requirements to track the transfer of marijuana by licensees;

(h) A plan to promote and encourage ownership and employment in the marijuana industry by people from political subdivisions and districts that are economically distressed and to positively impact those political subdivisions and districts;

(i) Administrative penalties as authorized by this section for failure to comply with any rule promulgated pursuant to this section or for any violation of rules and regulations adopted pursuant to this section by a licensee, including authorized administrative fines and suspension, revocation, or restriction of a license. The licensee may choose to challenge any penalties imposed by the department through the administrative hearing commission, or its successor entity. Pursuant to section 536.100, RSMo, or its successor provisions, any licensee who has exhausted all administrative remedies provided by law and who is aggrieved by a final decision in a contested case is entitled to judicial review;

(j) Reporting and transmittal of tax payments required under this section;

(k) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(l) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(5) The department shall issue rules or emergency rules for a marijuana and marijuana-infused products independent testing and certification program for marijuana facility licensees and requiring licensees to test marijuana using one or more impartial, independent laboratory or laboratories to ensure, at a minimum, correct labeling, potency measurement, and that products sold for human consumption do not contain contaminants that are potentially injurious to public health.

(6) The department shall issue rules or emergency rules to provide for the certification of and standards for marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. No marijuana testing facility shall be owned by an entity or entities under substantially common control, ownership, or management as a marijuana cultivation facility, marijuana-infused products manufacturing facility, marijuana microbusiness facility, or marijuana dispensary facility.

(7) All public records produced or retained pursuant to this section are subject to the general provisions of the Missouri Sunshine Law, chapter 610, RSMo, or its successor provisions. Notwithstanding the foregoing, public records containing proprietary business information obtained from an applicant or licensee shall be closed. The applicant or licensee shall label business information it believes to be proprietary prior to submitting it to the department. Proprietary business information shall include sales information, financial records, tax returns, credit reports, license applications, cultivation information unrelated to product safety, testing results unrelated to product safety, site security information and plans, and individualized consumer information. The presence of proprietary business information shall not justify the closure of public records:

(a) Identifying the applicant or licensee;

(b) Relating to any citation, notice of violation, tax delinquency, or other enforcement action;

(c) Relating to any public official's support or opposition relative to any applicant, licensee, or their proposed or actual operations;

(d) Where disclosure is reasonably necessary for the protection of public health or safety;
or

(e) That are otherwise subject to public inspection under applicable law.

(8) Within one hundred and eighty days of the effective date of this section, the department shall make available to the public license application forms and application instructions for marijuana microbusiness facilities. Within two hundred and seventy days of the effective date of this section, the department shall start accepting such applications from applicants.

(9) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a comprehensive marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of twelve thousand dollars per license application or renewal for all applicants filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of five thousand dollars per license application or

renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than ten percent of the total marijuana cultivation facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(10) An entity may apply to the department for and obtain one or more licenses to operate a comprehensive marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of seven thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than ten percent of the total marijuana dispensary facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(11) An entity may apply to the department for and obtain one or more licenses to operate a comprehensive marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a non-refundable fee of seven thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of this section and shall charge each applicant a non-refundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than ten percent of the total marijuana-infused products manufacturing facility licenses outstanding under both sections 1 and 2 of this Article at any given time, rounded down to the nearest whole number.

(12) An entity may apply to the department for and obtain only one license to operate a marijuana microbusiness facility, which may be either a microbusiness dispensary facility or a microbusiness wholesale facility. A marijuana microbusiness facility licensee may engage in all of the activities allowed under the license or it may apply for and engage in a subset of the activities allowed if the applicant or license holder so chooses. A microbusiness wholesale facility may cultivate, process, manufacture, transport, and sell marijuana and marijuana-infused products to any other marijuana microbusiness facility. A microbusiness dispensary facility licensee may acquire from any other microbusiness facility, process, package, deliver, and sell marijuana and marijuana-infused products to any other marijuana microbusiness facility, or directly to qualified patients, their primary caregiver, or consumers. A marijuana microbusiness license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a fee of one thousand five hundred dollars per license application and for each subsequent license renewal application thereafter. Any applicant that meets the criteria to apply for a marijuana microbusiness facility license but is not chosen by the lottery system may have their application fee refunded. Once granted, the department shall charge each licensee an annual fee of one thousand five hundred dollars per facility license, but there shall be no annual fee assessed for the first year of licensure. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. An entity may not be an owner of more than one marijuana microbusiness facility license. An owner of a marijuana microbusiness facility may not also be an owner of another licensed marijuana facility or medical facility regulated under this Article. However, the owner of a marijuana microbusiness facility may apply for a license or licenses for other marijuana or medical marijuana facilities under this Article. If granted one or more of these licenses, the marijuana

microbusiness facility owner shall transition to other licensed operations on a reasonably practical timetable established by the department, and surrender its marijuana microbusiness facility license to the department for issuance to an applicant for a marijuana microbusiness facility. In addition to other requirements established by this section, an applicant for a marijuana microbusiness license shall be majority owned by individuals who each meet at least one of the following qualifications:

(a) Have a net worth of less than \$250,000 and have had an income below two hundred and fifty percent of the federal poverty level, or successor level, as set forth in the applicable calendar year's federal poverty income guidelines published by the U.S. Department of Health and Human Services or its successor agency, for at least three of the ten calendar years prior to applying for a marijuana microbusiness facility license; or

(b) Have a valid service-connected disability card issued by the United States Department of Veterans Affairs, or successor agency; or

(c) Be a person who has been, or a person whose parent, guardian or spouse has been arrested for, prosecuted for, or convicted of a non-violent marijuana offense, except for a conviction involving provision of marijuana to a minor, or a conviction of driving under the influence of marijuana. The arrest, charge, or conviction must have occurred at least one year prior to the effective date of this section; or

(d) Reside in a ZIP code or census tract area where:

(i) Thirty percent or more of the population lives below the federal poverty level; or

(ii) The rate of unemployment is fifty percent higher than the state average rate of unemployment; or

(iii) The historic rate of incarceration for marijuana-related offenses is fifty percent higher than the rate for the entire state; or

(e) Graduated from a school district that was unaccredited, or had a similar successor designation, at the time of graduation, or has lived in a zip code containing an unaccredited school district, or similar successor designation, for three of the past five years.

(13) The department may restrict the aggregate number of licenses granted for marijuana microbusiness facilities, provided, however, that the number may not be limited to fewer than the following number of licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018:

(a) Six, once the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility. The department shall issue the first group of microbusiness licenses no later than three hundred days after the effective date of this section;

(b) An additional six following the first two hundred and seventy days after the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility, but only after the chief equity officer, or his or her designee, conducts a review and certifies that previous microbusiness licenses were awarded to and are being operated by eligible applicants in good standing; and

(c) An additional six after the first five hundred and forty-eight days after the department begins issuing licenses for marijuana microbusiness facilities under this subsection, at least two of which shall be a microbusiness dispensary facility, and at least four of which will be a microbusiness wholesale facility, but only after the chief equity officer, or his or her designee, conducts a review and certifies that previous microbusiness licenses were awarded to and are being operated in good standing by eligible applicants.

Future changes to the boundaries or the number of congressional districts shall have no impact on microbusiness license numbers or distribution. The eligibility review set forth in this

subdivision shall be conducted by the chief equity officer within sixty days of issuance of the licenses. The chief equity officer shall publish in a manner available to the public the results of the review that contains only aggregate information on licensee eligibility criteria.

(14) Within 60 days after the effective date of this section, the department shall appoint a chief equity officer. The chief equity officer shall assist with the development and implementation of programs to inform the public of the opportunities available to those people who meet the criteria set forth in paragraph (12) of this subsection. The chief equity officer shall establish public education programming and targeted technical assistance programming dedicated to providing communities that have been impacted by marijuana prohibition with information detailing the licensing process and informing individuals of the support and resources that the office can provide to individuals and entities interested in participating in activity licensed under this Article. The chief equity officer shall provide a report to the department, no later than January 1, 2024, and annually thereafter, of their and the department's activities in ensuring compliance with the applicant criteria set forth in paragraph (12) of this subsection, and the department shall provide such report to the legislature. The chief equity officer may only be removed for cause and the department shall not interfere with the officer's lawful official activities under this section.

(15) Any medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility, holding an active facility license under section 1 of this Article shall have the right to convert their license to a comprehensive marijuana license, and any entity certified by the department to conduct medical marijuana testing, transportation or seed-to-sale tracking, as of the effective date of this section shall be deemed certified to conduct those activities with respect to all marijuana;

(16) Upon the effective date of this section, any existing medical facility licensee may request its medical facility license convert to that of a comprehensive facility license. Conversion requests not processed within sixty days of department receipt shall be deemed approved.

(17) With the exception of microbusiness licenses, and consistent with any limitations set forth in this section, for the first five hundred and forty-eight days after the department begins issuing licenses for marijuana facilities under this section, the department may only issue a license:

(a) For a comprehensive marijuana cultivation facility to an entity holding a medical marijuana cultivation facility license issued pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana cultivation facility at the same location;

(b) For a comprehensive marijuana dispensary facility to an entity holding a medical marijuana dispensary facility license issued pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana dispensary facility at the same location; and

(c) For a comprehensive marijuana-infused products manufacturing facility to an entity holding a medical marijuana-infused products manufacturing facility license issued pursuant to section 1 of this Article seeking to convert its licensure to that of a comprehensive marijuana-infused products manufacturing facility at the same location.

(18) The department shall issue a license to each request for a conversion to a comprehensive marijuana facility license pursuant to subdivision (15) of this subsection if the applicant is in good standing with the department.

(19) Notwithstanding the provisions of section 1 of this Article, if an existing medical marijuana dispensary facility is located in a jurisdiction that prohibits non-medical retail marijuana facilities under this section, or is otherwise prevented from operating a comprehensive marijuana dispensary facility at the same location as the existing medical marijuana dispensary facility, the medical marijuana dispensary facility may apply to the department for a comprehensive marijuana dispensary license pursuant to subdivision (15) of this subsection in a new location within the same congressional district, and such application shall be granted so long as the new location meets all the requirements of this section and department regulations.

(20) In addition to the foregoing, if the department has reason to believe that the conversion of a medical facility into a comprehensive facility might limit or restrict access to an adequate supply of marijuana and marijuana-infused products at a reasonable cost to qualifying patients, as defined in section 1 of this Article, the department may request a plan from the medical facility licensee which explains how the applicant would serve both the medical and adult-use markets, while maintaining adequate supply at a reasonable cost to qualifying patients.

(21) Comprehensive marijuana facilities licensed to distribute marijuana, marijuana-infused products, and marijuana accessories directly to consumers pursuant to this section may also distribute marijuana, marijuana-infused products, and marijuana accessories to qualifying patients and primary caregivers consistent with section 1 of this Article and department regulation.

(22) The department may charge a fee not to exceed two thousand five hundred dollars for any certification issued pursuant to this section. This fee limitation shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(23) Within thirty days of December 8, 2022, the department shall make available to the public application forms and application instructions for personal cultivation registration cards. Within sixty days of December 8, 2022, the department shall begin accepting applications for such registration cards.

(24) Except for good cause, a person at least twenty-one years of age may obtain a registration card from the department to cultivate up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) for non-commercial use, provided:

(a) The plants and any marijuana produced by the plants in excess of three ounces are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place; and

(b) Not more than twelve flowering marijuana plants are kept in or on the grounds of a private residence at one time.

The card shall be valid for twelve months from its date of issuance and shall be renewable. The department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(25) All marijuana sold in Missouri pursuant to this section shall be cultivated in Missouri.

(26) All marijuana-infused products sold in Missouri pursuant to this section shall be manufactured in Missouri.

(27) The denial of a license or license renewal by the department shall be appealable. The applicant may choose to challenge any denial by the department through the administrative hearing commission, or successor entity. Pursuant to section 536.100, RSMo, or its successor provisions, any licensee who has exhausted all administrative remedies provided by law and who is aggrieved by a final decision in a contested case is entitled to judicial review.

(28) No elected official shall interfere directly or indirectly with the department's obligations and activities under this section.

(29) To minimize the potential for undue political influence in awarding licenses, the department shall review license applications using reasonable safeguards that ensure the identity of the applicant and its principal owners, officers, and managers are not identified to the application reviewer.

(30) To ensure the consistent protection of public health and public safety, the department shall have the sole authority within the state of Missouri to issue licenses for marijuana facilities and certifications pursuant to this section.

(31) The department shall not have the authority to promulgate, apply, or enforce any rule or regulation that is unduly burdensome or act to undermine the purposes of this section.

5. Local Control.

(1) (a) Except as provided in this subsection, a local government may prohibit the operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary facilities regulated under this section from being located within its jurisdiction either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. Such a ballot question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year, starting in 2024, thereby minimizing additional local governmental cost or expense. A citizen petition to put before the voters a ballot question prohibiting microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall be signed by at least five percent of the qualified voters in the area proposed to be subject to the prohibition, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable, its "unincorporated areas") and forgo any additional related local tax revenue? () Yes () No." If at least sixty percent of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall go into effect as provided by law. If a question receives less than the required sixty percent, then the jurisdiction shall have no power to ban non-medical microbusiness dispensary facilities or comprehensive marijuana facilities regulated under this section, unless voters at a subsequent general election on the first Tuesday after the first Monday in November of a presidential election year approve a ban on non-medical retail marijuana facilities submitted to them by the governing body or by citizen petition.

(2) (a) A local government may repeal an existing ban by its own ordinance or by a vote of the people, either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. In the case of a referral of a ballot question by the governing body or citizen petition to repeal an existing ban, the question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year. A citizen petition to put before the voters a ballot question repealing an existing ban shall be signed by at least five percent of the qualified voters in the area subject to the ban, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) allow non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities to be located within (insert name of local government and where applicable, its "unincorporated areas") as regulated by state law? () Yes () No." If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall be repealed.

(3) The only local government ordinances and regulations that are binding on a marijuana facility are those of the local government where the marijuana facility is located.

(4) Unless allowed by the local government, no new marijuana facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-

care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

(5) Except as otherwise provided in this subsection, no local government shall prohibit marijuana facilities or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, 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. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a marijuana facility or entity holding a transportation certification that may operate in such locality.

(6) Local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing:

(a) the time and place where marijuana may be smoked in public areas within the locality; and

(b) the consumption of marijuana-infused products within designated areas, including the preparation of culinary dishes or beverages by local restaurants for on-site consumption on the same day it is prepared.

6. Taxation and Reporting.

(1) A tax shall be levied upon the retail sale of non-medical marijuana sold to consumers at marijuana facilities licensed pursuant to this section within the state. The tax shall be at a rate of six percent of the retail price. The tax shall be collected by each licensed retail marijuana facility and paid to the department of revenue. After retaining no more than two percent of the total tax collected or its actual collection costs, whichever is less, amounts generated by the marijuana tangible personal property retail sales tax levied in this section shall be deposited by the department of revenue into the "Veterans, Health, and Community Reinvestment Fund" created under this subsection. Licensed entities making non-medical retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit. This tax shall not apply to medical marijuana dispensed to a registered qualifying patient or caregiver.

(2) There is hereby created in the state treasury the "Veterans, Health, and Community Reinvestment Fund" which shall consist of taxes and fees collected under this section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall be distributed as follows:

(a) First, as determined by appropriation, to the department an amount necessary for the department to carry out its responsibilities under this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public

agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Second, as determined by appropriation, to governmental entities in amounts necessary for carrying out responsibilities in the expungement of criminal history records under this section;

(c) Next, the remaining fund balance shall be distributed in thirds as follows:

(i) One-third of the remainder of the fund balance shall be transferred to the Missouri veterans commission and allied state agencies, as determined by appropriation, exclusively for health care and other services for military veterans and their dependent families;

(ii) One-third of the remainder of the fund balance to the department to provide grants to agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders. Agencies and organizations serving populations with the highest rates of drug-related overdose shall be prioritized to receive the grants; and

(iii) One-third of the remainder of the fund balance to the Missouri public defender system. Any moneys credited to the Missouri public defender system shall be used only for legal assistance for low-income Missourians, shall not be diverted to any other purpose.

(d) All monies from the taxes and fees authorized hereunder shall provide new and additional funding for the purposes enumerated above and shall not replace existing funding.

(e) The unexpended balance existing in the fund shall be exempt from the provisions of section 33.080, RSMo, or its successor provisions, relating to the transfer of unexpended balances to the general revenue fund.

(3) For all retail sales of marijuana, a record shall be kept by the seller of all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected, and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from and in addition to any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Pursuant to Article III, section 49 of this Constitution, the governing body of any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax. Any additional local retail sales tax shall be collected pursuant to general laws for the collection of local sales taxes.

(6) Except as authorized in this Article, no additional taxes shall be imposed on the sale of marijuana.

(7) The fees and taxes provided for in this section shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(8) For taxpayers authorized to do business pursuant to this Article, the amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 280E of the Internal Revenue Code as in effect on January 1, 2021, or successor provisions, but is disallowed because cannabis is a controlled substance under federal law, shall be subtracted from the taxpayer's federal adjusted gross income, in determining the taxpayer's Missouri adjusted gross income.

7. Additional Protections.

(1) A marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(2) Notwithstanding any provision of Article V to the contrary, an attorney shall not be subject to disciplinary action by the Supreme Court of Missouri, the office of chief disciplinary counsel, the state bar association, any state agency or any professional licensing body for any of the following:

(a) owning, operating, investing in, being employed by, or contracting with prospective or licensed marijuana testing facilities, marijuana cultivation facilities, marijuana dispensary facilities, marijuana-infused products manufacturing facilities, marijuana microbusiness facilities, or transportation certificate holders;

(b) counseling, advising, and/or assisting a client in conduct permitted by Missouri law that may violate or conflict with federal or other law, as long as the attorney advises the client about that federal or other law and its potential consequences;

(c) counseling, advising, and/or assisting a client in connection with applying for, owning, operating, or otherwise having any legal, equitable, or beneficial interest in marijuana testing facilities, marijuana cultivation facilities, marijuana dispensary facilities, marijuana-infused products manufacturing facilities, marijuana microbusiness facilities, or transportation certificates; or

(d) counseling, advising or assisting a qualifying patient, primary caregiver, physician, nurse practitioner, health care provider, consumer, or other client related to activity that is no longer subject to criminal penalties under Missouri law pursuant to this Article.

(3) Actions and conduct by marijuana facilities licensed or otherwise certified by the department, or their employees or agents, as permitted by this section and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(4) The department may not promulgate a rule that requires a consumer to provide a marijuana facility with identifying information other than identification to determine the consumer's age.

(5) It is the public policy of the state of Missouri that contracts related to marijuana that are entered into by marijuana facilities and those who allow property to be used by those entities should be enforceable. It is the public policy of the state of Missouri that no contract entered into by marijuana facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to marijuana may be prohibited by federal law.

(6) Prior to requesting a search or arrest warrant relating to cultivation of marijuana plants, a state or local law enforcement official shall verify with the department whether the targeted person holds a registration card allowing for cultivation of flowering marijuana plants under this section, and shall inform the issuing authority when making the warrant request. Evidence of marijuana alone, without specific evidence indicating that the marijuana is outside of what is lawful for medical or adult use, cannot be the basis for a search of a patient or non-patient, including their home, vehicle or other property. Lawful marijuana related activities cannot be the basis for a violation of parole, probation, or any type of supervised release. State and local law enforcement shall have access to such department information as is necessary to

confirm whether the targeted person holds a registration card. Each time a state or local law enforcement officer executes a search warrant authorizing entry upon premises for an alleged marijuana offense, the officer must first knock or announce their presence or purpose prior to entering the premises.

(7) (a) After executing a search warrant for an alleged marijuana offense, or conducting a warrantless search for an alleged marijuana offense, the officer shall report the following information to the agency that employs the officer:

(i) The reasons for the warrant or, in the case of a warrantless search, a detailed account of either the probable cause or exigent circumstances, if any, which lead to the warrantless search;

(ii) Whether any marijuana was discovered during the course of the search;

(iii) Whether any marijuana was seized during the search, and if so, the amount seized;

(iv) Whether any other contraband was discovered or seized in the course of the search, and if seized, a description of the contraband;

(v) A description of the tactics used by law enforcement to enter the property;

(vi) Whether an arrest was made as a result of the search; and

(vii) If an arrest was made, the crime suspected.

(b) Each law enforcement agency shall compile the data described in paragraph (a) of this subdivision for the calendar year into a report and shall submit the report to the attorney general no later than March first of the following calendar year. The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

(c) The attorney general shall submit a summary of the annual reports of law enforcement agencies to the governor, the general assembly, and each law enforcement agency no later than June first of each year. The summary shall include the total number of such warrants executed by each agency in the previous calendar year for alleged marijuana offenses, and a compilation of the information reported by law enforcement agencies pursuant to paragraph (b) of this subdivision.

8. Legislation.

Nothing in this section shall limit the general assembly from enacting laws consistent with the purposes and provisions of this section.

9. Additional Provisions.

(1) No owner of a marijuana facility or entity with a transportation certification shall be an individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for a marijuana offense that has been expunged or is currently eligible for expungement under this section; or

(b) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent felony criminal offenses.

The department may consult with and rely on the records, advice, and recommendations of the attorney general and the department of public safety, or their successor entities, in carrying out the provisions of this subdivision.

(2) Owners licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal

record check in accordance with U.S. Public Law 92-544, or its successor provisions. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to section 43.543, RSMo, or its successor provisions, and fees shall be paid pursuant to section 43.530, RSMo, or its successor provisions. Unless otherwise required by law, no individual shall be required to submit fingerprints more than once.

(3) No marijuana facility shall manufacture, package, or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between marijuana or a marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand dollars and loss of license.

(4) No marijuana facility may sell edible marijuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including an administrative penalty of five thousand dollars and loss of license.

(5) All marijuana and marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with serving amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, as mandated by the department, as containing "Marijuana" or a "Marijuana-Infused Product." Violation of this subdivision shall subject the violator to department sanctions, including an administrative penalty of five thousand dollars.

(6) A marijuana facility may not allow cultivation, manufacturing, sale, or display of marijuana, marijuana-infused products, or marijuana accessories to be visible from a public place outside of the marijuana facility without the use of binoculars, aircraft, or other optical aids.

(7) A marijuana facility may not cultivate, manufacture, test, sell, or store marijuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marijuana facility to access the area.

(8) A marijuana facility shall secure every entrance to the facility so that access to areas containing marijuana is restricted to employees and other persons permitted by the marijuana facility to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana-infused products, and marijuana accessories.

(9) No marijuana facility may refuse representatives of the department the right to inspect the licensed premises or to audit the books and records of the marijuana facility. A facility that holds licenses issued under sections 1 and 2 of this Article shall comply with inspection regulations and standards issued pursuant to both sections.

(10) No marijuana facility, or entity with a certification, shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

(11) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

(12) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license, marijuana-infused products manufacturing facility license, or a marijuana microbusiness wholesale facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty of one thousand dollars for an individual and ten

thousand dollars for a facility licensee and, if applicable, loss of certificate or license for up to one year.

10. Personal Use of Marijuana.

(1) Subject to the limitations in subsection 3 of this section, the following acts by a person at least twenty-one years of age are not unlawful and shall not be an offense under state law or the laws of any local government within the state or be a basis to impose a civil fine, penalty, or sanction, or be a basis to detain, search, or arrest, or otherwise deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government:

(a) Purchasing, possessing, consuming, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration three ounces or less of dried, unprocessed marijuana, or its equivalent;

(b) Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing up to six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) provided the person is registered with the department for cultivation of marijuana plants under this section, provided:

(i) The plants and any marijuana produced by the plants in excess of three ounces are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place; and

(ii) Not more than twice the number of allowable plants under paragraph (b) of this subdivision are kept in or on the grounds of a private residence at one time.

(c) Assisting another person who is at least twenty-one years of age in, or allowing property to be used for, any of the acts permitted by this section; and

(d) Purchasing, possessing, using, delivering, distributing, manufacturing, transferring, or selling to persons twenty-one years of age or older marijuana accessories.

(2) A person who, pursuant to this section, cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

(3) A person who, pursuant to this section, cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

(4) A person who smokes marijuana in a public place, other than in an area licensed for such activity by the authorities having jurisdiction over the licensing and/or permitting of said activity, is subject to a civil penalty not exceeding one hundred dollars.

(5) A person who is under twenty-one years of age who possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration three ounces or less of marijuana, or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

(6) Subject to the limitations of this section, a person who possesses not more than twice the amount of marijuana allowed pursuant to this subsection, produces not more than twice the amount of marijuana allowed pursuant to this subsection, delivers without receiving any consideration or remuneration to a person who is at least twenty-one years of age not more than twice the amount of marijuana allowed by this subsection, or possesses with intent to deliver not more than twice the amount of marijuana allowed by this subsection:

(a) For a first violation, is subject to a civil infraction punishable by a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana;

(b) For a second violation, is subject to a civil infraction punishable by a civil penalty not exceeding five hundred dollars and forfeiture of the marijuana;

(c) For a third or subsequent violation, is subject to a misdemeanor punishable by a fine not exceeding one-thousand dollars and forfeiture of the marijuana;

(d) A person under twenty-one years of age is subject to a civil penalty not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine; and

(e) In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of \$15 or the minimum wage in effect at the time of judgment.

(7) (a) Any person currently incarcerated in a prison, jail or halfway house, whether by trial or open or negotiated plea:

(i) Who would not have been guilty of an adult or juvenile offense, had sections 1 and 2 of this Article been in effect at the time of the offense; or

(ii) Who would have been guilty of a lesser adult or juvenile offense had sections 1 and 2 of this Article been in effect at the time of the offense; or

(iii) Who is serving a sentence for a marijuana offense which is a misdemeanor, a class E felony, or a class D felony, or successor designations, involving possession of three pounds or less of marijuana, excluding offenses involving distribution or delivery to a minor, any offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana;

may petition the sentencing court to vacate the sentence, order immediate release from incarceration and other supervision by the department of corrections, and the expungement of all government records of the case. Such expungement from all government records shall be granted for all of the person's applicable marijuana offenses, absent good cause for denial. The effect of such orders shall be to restore such person to the status the person occupied prior to such arrest, plea or conviction and as if such event had never taken place, and the conviction and sentence shall be vacated as legally invalid. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement. The court shall not assess any filing fee for these filings. The office of the state public defender shall prepare and make readily available and accessible a pleading form that may be filed pro se for this purpose. The circuit courts of the state shall also make readily available and accessible this pleading form. Within ninety days of the effective date of this section, the sentencing court shall complete the adjudication for all cases involving only misdemeanor marijuana offenses. Within one hundred and eighty days of the effective date of this section, the sentencing court shall complete the adjudication for all cases involving class E, or successor designation, felony marijuana offenses and, if applicable, any additional marijuana misdemeanor offenses by such offenders. Within two hundred and seventy days of the effective date of this section, the sentencing court shall complete the adjudication for all class D, or successor designation, felony cases involving three pounds or less of marijuana, as well as any lesser marijuana offenses by such offenders, if applicable. This shall not apply to offenses while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

(b) Any person currently on probation or parole for a marijuana law violation, whether by trial or open or negotiated plea:

(i) Who would not have been guilty of an adult or juvenile offense, had sections 1 and 2 of this Article been in effect at the time of the offense; or

(ii) Who would have been guilty of a lesser adult or juvenile offense had sections 1 and 2 of this Article been in effect at the time of the offense; or

(iii) Who was convicted or plead guilty to a marijuana offense which is a misdemeanor, a class E felony, or a class D felony, or successor designations, involving the possession of three

pounds or less of marijuana, excluding distribution or delivery to a minor or any offense of operating a motor vehicle while under the influence of marijuana;

shall, upon the effective date of this section, have their sentence automatically vacated by the sentencing court, which shall order the immediate termination of supervision by the department of corrections. and the expungement of all government records of the case. Such expungement from all government records shall be granted for all of the person's applicable marijuana offenses, absent good cause for denial. The effect of such orders shall be to restore such person to the status the person occupied prior to such arrest, plea or conviction and as if such event had never taken place, and the conviction and sentence shall be vacated as legally invalid. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of the person for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement. The court shall not assess any filing fee for these cases. This shall not apply to offenses while operating a commercial motor vehicle as defined in 49 CFR 390.5, or its successor provisions, in interstate or intrastate transportation unless otherwise exempted as found in section 307.400, RSMo, or its successor provisions.

(8) (a) Within six months of the effective date of this section, the circuit courts of this state shall order the expungement of the criminal history records of all misdemeanor marijuana offenses for any person who is no longer incarcerated or under the supervision of the department of corrections. Within twelve months of the effective date of this section, the circuit courts of this state shall order the expungement of criminal history records for all persons no longer incarcerated or under the supervision of the department of corrections but who have completed their sentence for any felony marijuana offenses and any marijuana offenses that would no longer be a crime after the effective dates of sections 1 and 2 of this Article, excluding distribution or delivery to a minor, any such offenses involving violence, or any offense of operating a motor vehicle while under the influence of marijuana. For all class A, class B and class C, or successor designations, felony marijuana offenses, and for all class D, or successor designation, felony marijuana offenses for possession of more than three pounds of marijuana, the circuit courts of this state shall order expungement of criminal history records upon the completion of the person's incarceration, including any supervised probation or parole. For the purposes of this subdivision, "criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(b) An expungement order shall be legally effective immediately and the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense, and the conviction and sentence shall be vacated as legally invalid. The court shall issue an order to expunge all records and files related to the arrest, citation, investigation, charge, adjudication of guilt, criminal proceedings, and probation related to the sentence. The court shall provide notice of the expungement to the person who is the subject of the record at the person's last known address, the arresting agency, prosecuting attorneys, central state depository of criminal records, and any other entity that may have a record related to the order to expunge. The central state depository of criminal records shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center, or its successor agency. The court shall issue the person a certificate stating that the offense for which the person was convicted has been expunged and that its effect is to annul the record of arrest, conviction, and sentence.

(c) The effect of such expungement shall be to restore such person to the status the person occupied prior to such arrest, plea, or conviction and as if such event had never taken place. Such person shall not be required to acknowledge the existence of such a criminal history record or answer questions about the record in any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, and may deny the existence of the record regardless of whether the person has received notice from the court that an expungement order has been issued on the person's behalf.

(d) No person shall be prosecuted again for any offense which has been vacated or expunged.

(e) The court shall keep a special index of cases that have been expunged together with the expungement order and the certificate issued pursuant to this subsection. The index shall list only the name of the person convicted of the offense, his or her date of birth, the docket number, and the criminal offense that was the subject of the expungement. The special index and related documents shall be confidential and shall be physically and electronically segregated in a manner that ensures confidentiality and that limits access to authorized persons. The court may permit special access to the index and the documents for research purposes pursuant to the rules for public access to court records. The index and documents made available by the court may not include any identifying information.

(9) A person currently under parole, probation, or other state supervision, or released awaiting trial or other hearing, may not be punished or otherwise penalized based solely on conduct that is permitted by this section.

(10) No conduct permitted by this section shall constitute the basis for detention, search, or arrest; and except when law enforcement is investigating whether a person is operating a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana, the odor of marijuana or burnt marijuana, the possession or suspicion of possession of marijuana without evidence of a quantity in excess of the lawful amount, or the possession of multiple containers of marijuana without evidence of quantity in excess of the lawful amount shall not individually or in combination with each other constitute reasonably articulable suspicion of a crime. Marijuana and marijuana-infused products as permitted by this section are not contraband nor subject to seizure.

(11) A person shall not be denied eligibility in public assistance programs or public benefits based solely on conduct that is permitted by this Article, unless required by federal law.

(12) No person shall be denied their rights under Article 1, section 23 of the Missouri Constitution, solely for conduct that is permitted by this section.

(13) No person shall be denied parental rights, custody of, or visitation with a minor child by a state or local government executive agency based solely on conduct that is permitted by this section, unless the person's behavior is such that it creates an unreasonable danger to a minor child that can be established by clear and convincing evidence.

11. Interstate Commerce.

If federal law, rules, or regulations are amended to allow the interstate commerce of marijuana or marijuana-infused products or the importation or exportation of marijuana or marijuana-infused products into or out of the state of Missouri, the provisions and intent of this section shall, to the extent possible, remain in full effect, unless explicitly preempted by such federal law, rule, or regulation. If federal law, rules, or regulations are amended as provided above, any marijuana or marijuana-infused products imported into this state shall be subject to the same testing standards and seed to sale tracking system required under this section for marijuana and marijuana-infused products produced within the state. Unless federal law, rules, or regulations explicitly require otherwise, no entity shall sell, transport, produce, distribute, deliver, or cultivate marijuana or marijuana-infused products without an applicable license or certificate as required under this section. In addition, any raw biomass of marijuana or marijuana flower imported from out-of-state shall be received only by a licensed cultivation facility, while all batch oil, infused marijuana products and any marijuana product in any other form shall be received only by a licensed manufacturing facility.

12. Severability.

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

13. Effective Date.

The provisions of this section shall become effective thirty days after the election, as provided by this Constitution.



How Amendment 3 Impacts Local Governments

- **JOBS:** Direct employment in Missouri's marijuana industry has already created more than 10,000 new jobs in Missouri. In fact, in 2021, one out of every ten new jobs created in Missouri was in the marijuana industry. The passage of adult use marijuana legalization is expected to substantially create even more new jobs to local economies all across the state.
- **LOCAL REVENUE:** Local governments get to collect the normal sales tax on marijuana retail sales that would apply to any other existing retail sales in the area. In addition, local governments may impose an additional sales tax not to exceed 3% on adult use marijuana retail sales in their jurisdiction. See language:

- **LOCAL REVENUE ESTIMATES:** Medical marijuana sales are still growing consistently month over month, and we're right around \$35m/month currently. With adult use sales coming online in early 2023, we can conservatively project that we will be at 2.5X those numbers statewide a year from now, so around \$87.5m/month.

There are currently 190 dispensaries open for business, and the average dispensary makes \$184K monthly. With more dispensaries yet to come online, we will see approx. 205 operational by early next year. With that number of dispensaries and statewide monthly revenues at \$87.5m, the average dispensary will gross \$427K per month.

A 3% tax on those sales will generate \$12,805 each month and \$153,660 annually. That is in addition to regular local sales taxes, and we expect the market will continue to grow for at least the next few years.

(5) Pursuant to Article III, section 49 of this Constitution, the governing body of any local government is authorized to impose, by ordinance or order, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in such political subdivision. The tax authorized by this paragraph shall be in addition to any and all other tangible personal property retail sales taxes allowed by law, except that no ordinance or order imposing a tangible personal property retail sales tax under the provisions of this paragraph shall be effective unless the governing body of the political subdivision submits to the voters of the political subdivision, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the political subdivision to impose a tax. Any additional local retail sales tax shall be collected pursuant to general laws for the collection of local sales taxes.

(6) Except as authorized in this Article, no additional taxes shall be imposed on the sale of marijuana.

- Siting marijuana businesses — Local governments may not ban marijuana cultivation or infused product manufacturing facilities. These facilities are not accessible to the general public. Local governments may however ban comprehensive and microbusiness dispensaries, but only by a 60% vote of the people beginning in the November 2024 general election. See language:

5. Local Control.

(1) (a) Except as provided in this subsection, a local government may prohibit the operation of all microbusiness dispensary facilities or comprehensive marijuana dispensary facilities regulated under this section from being located within its jurisdiction either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. Such a ballot question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year, starting in 2024, thereby minimizing additional local governmental cost or expense. A citizen petition to put before the voters a ballot

question prohibiting microbusiness dispensary facilities or comprehensive marijuana dispensary facilities shall be signed by at least five percent of the qualified voters in the area proposed to be subject to the prohibition, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition signatures and give legal notice of the election as provided by applicable law. Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) ban all non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities from being located within (insert name of local government and, where applicable, its "unincorporated areas") and forgo any additional related local tax revenue? () Yes () No." If at least sixty percent of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall go into effect as provided by law. If a question receives less than the required sixty percent, then the jurisdiction shall have no power to ban non-medical microbusiness dispensary facilities or comprehensive marijuana facilities regulated under this section, unless voters at a subsequent general election on the first Tuesday after the first Monday in November of a presidential election year approve a ban on non-medical retail marijuana facilities submitted to them by the governing body or by citizen petition.

(2) (a) A local government may repeal an existing ban by its own ordinance or by a vote of the people, either through referral of a ballot question to the voters by the governing body or through citizen petition, provided that citizen petitions are otherwise generally authorized by the laws of the local government. In the case of a referral of a ballot question by the governing body or citizen petition to repeal an existing ban, the question shall be voted on only during the regularly scheduled general election held on the first Tuesday after the first Monday in November of a presidential election year. A citizen petition to put before the voters a ballot question repealing an existing ban shall be signed by at least five percent of the qualified voters in the area subject to the ban, determined on the basis of the number of votes cast for governor in such locale at the last gubernatorial election held prior to the filing of the petition. The local government shall count the petition

signatures and give legal notice of the election as provided by applicable law.
Denial of ballot access shall be subject to judicial review.

(b) Whether submitted by the governing body or by citizen's petition, the question shall be submitted in the following form: "Shall (insert name of local government) allow non-medical microbusiness dispensary facilities and comprehensive marijuana dispensary facilities to be located within (insert name of local government and where applicable, its "unincorporated areas") as regulated by state law? () Yes () No." If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ban shall be repealed.

(3) The only local government ordinances and regulations that are binding on a marijuana facility are those of the local government where the marijuana facility is located.

(4) Unless allowed by the local government, no new marijuana facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

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(5) Except as otherwise provided in this subsection, no local government shall prohibit marijuana facilities or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, 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. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a marijuana facility or entity holding a transportation certification that may operate in such locality.

(6) Local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing:

(a) the time and place where marijuana may be smoked in public areas within the locality; and

(b) the consumption of marijuana-infused products within designated areas, including the preparation of culinary dishes or beverages by local restaurants for on-site consumption on the same day it is prepared.

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW OFFICE
MEMORANDUM**

DATE: January 6, 2023

TO: Planning and Zoning Commission

FROM: Michael Sparlin
Senior Planner

SUBJECT: Home Occupation Amendments

City staff is requesting that the Home Occupation Amendments be postponed to the next Planning and Zoning Commission meeting on January 26, 2023.

**PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW OFFICE
MEMORANDUM**

DATE: January 4, 2023

TO: Planning and Zoning Commission

FROM: Bob Hosmer, AICP Planning Manager

SUBJECT: Update of Rules of Procedure for Planning Commission

Staff is proposing to modify the Rules of Procedure for the Planning and Zoning Commission (see attached rules).

The process to change the Rules of Procedures are as follows;

7.1 Amendment to Rules of Procedure. The rules of procedure of this Commission shall be amended only with five (5) affirmative votes. Any proposed amendment or rescission of rules shall be voted upon only after the same has been reduced to writing, filed with the Secretary of the Commission and read at the regular meeting immediately preceding the meeting at which the same is voted upon. Debate on the proposed amendment or rescission shall be permitted at both the meeting where the proposed amendment or rescission was read and at the meeting where it is to be voted upon.

This amendment requires at least 5 affirmative votes in order to pass.

Staff has submitted for reviewed the proposed amendments to the Rules of Procedure with the Planning and Zoning Commission at the January 12, 2023 meeting per Planning and Zoning Commission Rule of Procedure.

Staff will resubmit the final changes to the February 9, 2023 Planning and Zoning Commission meeting for approval.

RULES OF PROCEDURE

for the

PLANNING AND ZONING COMMISSION

The following Rules of Procedure are adopted by the Planning and Zoning Commission to facilitate the performance of its duties and the exercising of its powers, as outlined in Article XI of the City Charter of the City of Springfield, Missouri.

Section 1.0 Officers

1.1 Selection During the first meeting in January of each year, the Commission shall select from the membership a ~~Chairman~~Chairperson and a Vice ~~Chairman~~Chairperson. The Director of Planning and Development shall serve as the Executive Secretary of the Commission. Election of a Chairperson and Vice Chairperson shall be made by motion with second. Tie votes shall be decided by a runoff of the persons tied. Before a vote is taken, for each position, a Commissioner may request that his or her name be stricken from the list.

(10-8-1998)

1.2 Tenure The ~~Chairman~~Chairperson and Vice ~~Chairman~~Chairperson shall take office at the first meeting ~~in January~~ immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

(10-8-1998)

1.3 Duties The ~~Chairman~~Chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission.

The Vice ~~Chairman~~Chairperson shall act in the capacity of the ~~Chairman~~Chairperson in his absence, ~~and in~~ the event the office of the ~~Chairman~~Chairperson becomes vacant, the Vice ~~Chairman~~Chairperson shall succeed to this office for the unexpired term until a new election.

The Executive Secretary shall execute documents in the name of the Commission, perform the duties hereafter listed, and shall perform such other duties as the Commission may determine.

In the absence of the Director, the Director shall appoint a representative who the Zoning Administrator shall act in his capacity as Executive Secretary.

Section 2.0 Meetings

2.1 Regular Meetings ~~The~~A meetings of the Commission shall be held at least one Thursday per month, 6:30pm in Room 315, City Hall. The first meeting of the

~~month shall be held on the third Thursday preceding the last City Council meeting of each month.~~ A second meeting ~~shall~~ may also be held each month. The Commission shall determine the meeting dates for the following calendar year at their first meeting in December. ~~The second meeting of each month shall normally exclude from its agenda Subdivision Plats, Zoning District Amendment requests, Use Permits, Planned Unit Developments, Easements, and Vacations. The items on the table and items that in the discretion of the Executive Secretary warrant expedient action may be placed on the agenda of the second meeting.~~ Agendas for the regular meetings shall be given by the Executive Secretary to the members of the Commission at least seventy-two (72) hours prior to such meetings. (09-17-2009)

2.2 Special ~~and Rescheduled~~ Meetings

(a) Special meetings shall be called at the request of the ~~Chairman~~ Chairperson, or at the request of five members of the Commission. Notice of special meetings shall be given by the Executive Secretary to the members of the Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose and the time of the meeting.

2.3 Rescheduled Meetings

~~(b) A regular m~~ Meetings shall be automatically rescheduled to the following Thursday, unless such Thursday is a scheduled City holiday and then for the Thursday after such holiday, for the same time and location as previously noted on an agenda, advertisement or other notice of public hearing when, at the time scheduled for the regular meeting:

1. There exists within the City of Springfield a state of emergency declared by the Mayor, the Director of the Springfield-Greene County Emergency Management Office, the Governor or the President, or their respective designees; or
2. Weather or other condition threatens safe travel to and from the meeting for the public, staff and commission members as determined solely at the discretion of the City Manager, the Director of the Springfield-Greene County Emergency Management Office, the Chair, or the Executive Secretary to the Commission, or their respective designees; or
3. The location of the meeting is not considered habitable or safe to remain within the structure at the discretion of the City Manager, the Director of the Springfield-Greene County Emergency Management Office, the Fire Chief, the Directors of Public Works, Building Development Services, or Health, the

Chair, or the Executive Secretary to the Commission, or their respective designees.

4. Should a meeting be automatically rescheduled under this Rule, the continuation of such shall be posted on at least two locations, at least one of which shall be the main entrance, at the address where the meeting was to be held unless posting itself poses as danger to staff to go to the location. If such danger exists, then posting notice at the two closest locations available to the public as determined by the Executive Secretary to the Commission, or his designee, shall be deemed sufficient notice. All practical methods to contact the applicants and public about the changes or cancellation will be used. In addition, upon such rescheduling, all public hearings and other proceedings requiring public notices shall be deemed to be continued and extended to such rescheduled date and time without need for new notices or advertisements with the exception of those required by Chapter 610, RSMo.

5. In the event the conditions leading to the rescheduling have not been alleviated by the rescheduled date and time, such hearings and proceedings shall be noticed and re-advertised in the same manner as previously done under the Land Development Code of the City of Springfield or other law or rule. (2-20-2014)

2.34 Public Hearings All regular and special meetings, hearings, records, and accounts shall be open to the public. After presentation of testimony and exhibits at each public hearings, the Chairperson shall declare the Ppublic Hhearing-closed of the Commission shall be declared at an end by the Chairman, so that the Commission may make its decisions on the item.

2.45 Quorum Five (5) members shall constitute a quorum for the transaction of business.

2.56 Action by the Commission A majority of fFive (5) votinges members shall be required to either approve or disapprove any action on which the Commission has final authority and to approve any item or amend any plan or policy. In the event the five (5) votes cannot be obtained, the item is automatically postponed tabled- to the Commission's next scheduled meeting, and voted on again at that meeting. and voted on at the Commission's next scheduled meeting. If five votes are not obtained after three such votes, the item shall be deemed denied.

On actions on which the Commission acts as a recommending body to the City Council or to any other governmental body, a majority of voting members present ~~those~~ present at the time the vote is taken shall prevail. In the event of a tie vote, the item shall be forwarded to the City Council as a tie vote. automatically tabled.

2.67 Order of Business, Agenda The Executive Secretary shall prepare an agenda for each meeting and the Order of Business therein shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Communications
4. Finalization and Approval of Consent Items
5. Unfinished Business
6. Hearings
 - ~~a. Vacations~~
 - ~~b.a.~~ Zoning Cases
 - ~~e.b.~~ Planned Developments
 - c. Conditional Use Permits
 - ~~d. Vacations~~
 - e. Other Public Hearings
 - f. Subdivisions
 - g. Other Business
7. Reports
8. New Business
9. Adjournment

The Executive Secretary shall place items that do not require a public hearing such as renewal of ~~S~~subdivision ~~P~~plats, ~~r~~Relinquishments of ~~E~~ easements, ~~O~~ offers to ~~D~~edicate property, property disposals, change of use, property acquisitions and other similar requests, under Consent Items. Any item placed under Consent Items may be removed from that portion of the agenda and moved to the appropriate portion for discussion, debate, and vote upon the request of a citizen, Commission member, or Executive Secretary. Removal of any Consent Item shall be done prior to the Finalization of Consent Items. After the Consent Items are finalized, no item of business shall be removed there from except by temporary suspension of Commission's Rules of Procedure. A Consent Item shall not be discussed unless the item is removed as stated above. A single vote by the Commission shall recommend for approval or denial all Consent Items. (7-1-1999) (9-9-1999)

2.78 Motions Motions shall be made orally and ~~such motions~~ shall be restated by the Chair before a final vote is taken, ~~and a~~ All oral motions shall be recorded by the Executive Secretary for the minutes of the Commission.

2.89 Staff Reports At all hearings, the report and recommendations, if any, of the staff on ~~thean item matter involved~~ shall be presented to the Commission before the Commission takes action on ~~the any item is taken~~.

2.910 Commission Action ~~Action by The~~ Commission shall not take action on

any ~~matter-item~~ on which a public hearing is required ~~held shall not be taken~~ until the public hearing has been ~~closed~~concluded.

2.101 Parliamentary Procedures Parliamentary procedure in Commission meetings shall be governed by the latest published edition of “Roberts Rules of Order, Newly Revised” except as specifically modified herein.

2.112 Recommendations Forwarded to Council

1. ~~When the Items receiving~~ Commission makes a ~~recommendations on an item, the item whether positive or negative~~ shall be automatically forwarded to City Council for final action as required by code. It shall be the duty of the Executive Secretary, provided all notice requirements are satisfied, to place such items on the City Council agenda no later than the third Council meeting following the Commission meeting at which the Commission takes ~~action is taken~~. (6-4-2015)

~~2. Commission shall not forward a recommendation to City Council when the applicant or a person acting in his behalf did not appear and present evidence in regard to the applicant's request for a change in zoning classification.~~

Section 3.0 Duties of the Executive Secretary

3.1 Minutes The Executive Secretary shall keep the minutes of each meeting of the Commission.

3.2 Communications, Petitions, Etc All communications, petitions, and reports shall be addressed to the Commission and delivered or mailed to the Executive Secretary.

Section 4.0 Hearings

4.1 Regular Hearings The Planning and Zoning Commission shall hold a public hearing on all ~~proposed proposals requiring a public hearing~~ changes in classification. Notice of the public hearing shall be given in accordance with the requirements of the Springfield City Code.

(10-8-1998)

4.1.1 Personal Notice ~~In addition to the above forms of notice of public hearing, notice of such hearing shall also be provided by regular mail no later than ten (10) days prior to the hearing to the record owners of property within the area~~

~~proposed to be rezoned and within 185 feet of the property to be rezoned. Reliance upon the information submitted by the applicant shall be deemed in compliance with this paragraph, and failure to give notice by mail or to actually receive such notice by mail without a clear showing of prejudice shall not be grounds to invalidate actions for which notice was to be provided.~~

1. Plats. For any preliminary plat application, notice of the hearing shall be posted at least ten (10) days prior to the hearing in conspicuous places on or in the immediate vicinity of the property which is the subject of the application. One (1) sign shall be posted for each one hundred fifty (150) feet of street frontage, or part thereof, up to a maximum of three (3) signs, provided at least one (1) sign is posted on each frontage of the subject property. Further provided, for preliminary plat applications involving more than one (1) block, one (1) sign is required for each street bounding or contained within the area to be platted. Additional signs may be posted at the discretion of the Executive Secretary of the Commission. Signs shall conform to the requirements for posted notices contained in the Zoning Ordinance.

4.1.2-1 Applicant The applicant, or person acting ~~on his~~ their behalf for consideration of changes to zoning district classifications, conditional use permits, or text amendments ~~items~~ before the Commission, shall appear at the scheduled public hearing. On all other agenda items Commission has the discretion to conduct the public hearing without the applicant present by a motion and a second. ~~Failure to appear on requests for a change of zoning classification shall not bar the Commission from acting on the item. Commission may, at its discretion, conduct the public hearing as scheduled, taking public comment from those in attendance. Following public comment from those present, the Commission shall continue the public hearing for one meeting to allow the applicant to comment. If no one is present to make comments on the change of zoning classification, the public hearing shall be continued for one meeting. Commission may make its recommendation on change of zoning classification following the close of the public hearing at the following meeting. Agenda items not involved a change in zoning classification may be acted upon at the discretion of the Commission in the absence of the applicant. In the event the Commission does not elect to take action, the item shall be automatically continued once, and thereafter the Commission may act on the item. (10-8-1998)~~

4.1.32 Requests for Postponement Tabling Any applicant may request that the Commission postpone table their application to a specific Commission meeting by submitting such request in writing to the Executive Secretary at least forty-eight (48) hours in advance of the scheduled meeting at which the applicant is to be considered. If a request is made less than forty-eight (48) hours in advance of

such meeting, the Commission may, upon good cause shown, ~~postpone table~~ such item upon its own motion. All items postponed for a period of 180 days from the original scheduled public hearing date without substantive amendments from the applicant or final action by the Commission, shall be withdrawn from the agenda without further action by the Commission.

Exceptions: The Commission may grant a request to postpone or table a case for a longer period than from the originally scheduled date of the public hearing, in cases where circumstances beyond the control of the applicant render it difficult to comply with the public hearing schedule.

The Commission reserves the right to continue a public hearing to a date certain, without requiring new notice or a new application, for purposes of hearing additional testimony or viewing additional exhibits.

(10-8-1998)

4.1.43 Removal From Table by Applicant If an applicant desires to have an application removed from the table, the applicant shall notify the Executive Secretary in writing at least 10 days ~~two (2) weeks~~ prior to the meeting date. If ~~tabled-postponed~~ to a specific meeting date, the applicant does not have to request removal for that date. The Commission shall determine at the meeting whether or not it is appropriate to remove the application from the table as requested by the applicant. Nothing in this section precludes the Commission from removing an item from the table. (7-1-1999)

4.2 Recommendations All motions are made in the affirmative. After ~~such a~~ public hearings, the Planning and Zoning Commission may, within its discretion, make one or more recommendations, together with pertinent principal reasons, in connection with each proposed change in zoning classification or text amendment. The recommendations will be in one of the following forms:

1. Recommend against the proposed change in the zoning district classification or text amendment;
2. Recommend the change in the zoning district classification or text amendment or;
3. Recommend the change in the zoning district classification or text amendment together with recommendations which, in the judgement of the Commission, will protect adjacent property and ensure that the proposed changes are consistent with the purpose and intent of the zoning ordinance and the comprehensive plan. for such area;

~~together with its recommendation as to requirements for the paving of streets, alleys, and sidewalks; means of ingress and egress to the public streets, provisions for drainage, parking spaces and street layouts, and protective screening in open spaces, and any other requirements which, within the discretion of the Planning~~

~~and Zoning Commission, will protect adjacent property and secure substantially the purpose and intent of the Zoning Ordinance.~~

~~The recommendation of the Planning and Zoning Commission shall expire and cease to be valid if it is not reported to the City Council after ninety (90) days shall have passed immediately following the date it was made, thereby requiring the filing of a new application with the Commission in each instance.~~

~~Recommendations reported to City Council within ninety (90) days shall not expire, but shall continue to be valid so long as the case remains pending on the City Council agenda, active, or tabled.~~ (11-4-1993) (7-1-1999)

4.2.1 Reconsideration of Cases ~~The Planning and Zoning Commission may reconsider a case which it has previously denied, only when an applicant aggrieved by a final negative vote of the Commission delivers a written request for reconsideration to the Commission, as follows:~~

- ~~1.—The request shall state that there is new or additional evidence not previously considered by the Commission which pertains to issues which caused the Commission to vote negatively on the case. The request shall outline the substance of the new or additional evidence, and shall be delivered to the Executive Secretary of the Planning and Zoning Commission no later than 30 days after the date of the Commission's negative vote, and no later than 20 days prior to a regularly scheduled meeting of the Commission.~~
- ~~2.—Based solely on the reasons stated in the written request for reconsideration and testimony limited to the matters stated in the request for reconsideration, Commission may vote to allow reconsideration only upon an affirmative motion by a Commission who had previously voted against applicant's case, passed by a majority of the Commission. If reconsideration is approved, the case shall be heard only after full public notification in the same form and manner as would pertain to a new case. The applicant shall bear the costs of all publications and notifications.~~ (6-29-1992)

4.3 Report of Action Taken Each such recommendation made by the Planning and Zoning Commission, whether orally or by other methods, shall be reported by the Executive Secretary of said Commission to the City Council, by applicable administrative procedure, and the applicant notified of the action of the Planning and Zoning Commission. The Executive Secretary of the Planning and Zoning Commission shall set up and maintain a separate file for each application received and all records and files herein provided shall be permanent and official files of

the City of Springfield.

4.4 Report of Action Taken – When Filed ~~The Planning and Zoning Commission shall take action upon all matters before it following the close of the advertised public hearing upon such matter within two (2) regular meetings of the Commission at which such matters may be considered by the Commission. An applicant to the Commission may waive this provision by filing in writing, a request that his matter be tabled or by requesting in person or by legal representative, that this matter be tabled, which personal request shall be followed by an identical request in writing. If the Commission tables a matter upon such a request, Commission is required to take action upon such matter following bringing such matter off the table within two (2) regular meetings of the Commission at which such matter may be considered. All matters tabled for a period of 180 days without substantive amendment or final action shall be denied and removed from the agenda without further action by the Commission. The Commission shall file the report of action by it with the appropriate persons within twenty (20) days following the day action was taken. In all cases, failure to meet the requirements of this section shall cause a matter to be considered approved by the Commission as submitted.~~

4.54 Hearing Exhibits Any part to any proceeding before the Commission shall, insofar as it may be possible, prepare and submit in advance for hearing, any exhibits proposed to be used in the proceeding, which said submission shall be made to the Commission by filing the same in the office of the Planning and Development Department of the City of Springfield. The applicant and other proponents shall submit all exhibits at least ten (10) days in advance of the hearing; the Planning and Development Department, other governmental agencies and departments, and opponents of the applicant's request shall submit exhibits including all staff reports at least five (5) days in advance of the hearing. Staff visual presentations, such as PowerPoint presentations, shall not be considered exhibits. Such exhibits shall be identified as to the party who intends to sponsor the exhibit and shall be consecutively numbered or lettered. All material so submitted shall be deemed a public record and shall be open for inspection and copy by any person whomsoever. Any exhibit not so filed shall be admitted by the Commission only upon a clear showing as determined by a majority vote of the Commission that such filing was not in good faith reasonably possible.

4.65 Hearing Testimony ~~The applicant bears the burden, in any item before the Commission, It shall be the burden of the applicant in any case before the Commission~~ to present sufficient facts and/or testimony such that an affirmative decision by the Commission ~~in favor of the applicant will~~ is be based upon substantial evidence ~~upon the in the whole~~ record of proceedings before the Commission. Nothing shall prohibit any member of the Commission inquiring of any witness or party at any time during the proceedings upon any fact ~~or matter~~.

item relating to the proceedings, but it shall not be the duty of the Commission to supply any deficiencies in or to seek to provide facts in any proceedings.

4.76 Manner of Addressing Commission/Time Limit Each person addressing the Commission, including the applicant or applicant's representative, shall step up to the podium, give his name and address for the record, and unless further time is granted by the Commission, shall limit his address to five (5) minutes. The Commission may reduce the time to three (3) minutes by a majority vote. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission without the permission of the ~~Chairman~~Chairperson. No question shall be asked of a member of the Commission except through the presiding officer.

4.8 4.7 Decorum

- 1.** No person shall make personal, impertinent, or slanderous remarks, nor otherwise disturb the order and decorum of any Commission meeting.
- 2.** The Sergeant-at-Arms, at the direction of the ~~Chairman~~Chairperson, shall remove any person violating the provisions of this section. The Chief of Police, or such members of the Police Department as he may designate, shall be Sergeant-at-Arms of the Commission meetings. He shall carry out all orders and instructions given by the ~~Chairman~~Chairperson for the purpose of maintaining order and decorum at the Commission meetings.
- 1.3.** No person shall carry or display a sign inside the room wherein the Commission is meeting, or any other similar type of written communication which is carried or displayed, except nothing contained herein shall be construed to prohibit a person from using visual materials when presenting an matter-item to the Commission. The Commission hereby determines that signs or displays in the meeting room may obstruct the view of citizens, can cause injury, and affect the decorum of Commission meetings, and are hereby prohibited for such reasons. The Sergeant-at-Arms shall inform citizens when signs or displays violate this section and shall remove the signs or displays from the meeting room or may cause citizens carrying such signs or displays to be removed from the meeting room.

Section 5.0 — Standing Committees

5.1 Council Liaison Committee shall be composed of not less than three (3) members. Its duties shall be to communicate with the Council regarding plans, policies, procedures, work programs, budget requests, and other items of mutual interest.

5.2 Governmental Liaison Committee shall be composed of not less than three (3) members. Its duties shall be to communicate with the Greene County Planning Commission and other local governments regarding plans, policies, programs, regulations, and other matters of mutual interest.

5.3 Special Committees From time to time and as circumstances warrant, the Commission may establish special committees to assist the Commission in the conduct of its business.

5.4 Appointment/Reassignment The Chairman shall appoint all committee members and shall designate one member as Chairman, for one year, expiring with the calendar year, and until his successor has been appointed and qualified. The Chairman may reassign members or re-designate chairmen, when, in his discretion, the situation requires anything hereto, to the contrary notwithstanding.

5.5 Meetings of Committees All committees shall meet at the call of the Chairman, provided that the Chairman of this Commission shall request the chairman to call a special meeting of any committee at any time upon such notice as he may specify and in the event of noncompliance may issue the call in his name. The Executive Secretary shall issue notice of meetings at the request of the Chairman.

5.6 Quorum Ratification A majority of the members appointed shall constitute a quorum of all committees. When it appears that a quorum may not be present at any committee meeting, the Chairman of this Commission may designate other members of this Commission as temporary members of such committee with full rights for that particular meeting. In the absence of a quorum, any member who was present may join in making a recommendation to the Commission, and if, by so doing, a majority action results, same may be received; but such ratifying action shall be called to the attention of the Commission at the time of presenting same.

5.7 Cooperation with Interested Groups When thought to be helpful, the Chairman of any Standing or Special Committee may request the Director to invite any interested party to appear before the Commission.

Section ~~6.05.0~~ Behavior; Ethics

65.1 Member Service Membership on the Planning and Zoning Commission is accepted as public service. Members are appointed by the City Council for a term of four (4) years and until their successors are appointed and qualified. ~~Any member who misses three consecutive regular meetings of the Commission without good reason shall be in violation of the City Code of Ethics, and such violation shall constitute good cause for removal. Any member who misses three (3) consecutive regular meetings of the Planning and Zoning Commission shall be deemed to have resigned unless the City Council reaffirms such appointment.~~ Any member may be removed from the Planning and Zoning Commission by action of the City Council. The removal of any such member shall be in accordance with Article IV, Section 15.6 of the Charter and notification of such removal shall be made in writing stating the reasons for such removal and sent to such member at his residence address by United States Mail.

(8-6-2015)

65.2 Commissioners Unpaid Commissioners are unpaid. When Commissioners attend meetings for the benefit of the Commission, staff or City Planning for Springfield generally, expenses may be paid in full or in part by the City of Springfield as provided by current rules and regulations; such reimbursed travel must be indicated in the annual budget officially approved by the City Council.

56.3 Case Discussion Except at public meetings of the Commission, its members shall ~~do~~ not discuss the resolution of specific cases scheduled or likely to come before the Commission, with applicants, their representatives, or others with a direct interest.

65.4 Personal Interest A member of the Commission who has some personal or financial interest, as defined in the City Code of Ethics, in any case presented to the Commission shall disqualify himself as the particular case is concerned, shall not sit as a member of the Commission during the hearing of the particular case, and shall not participate in the Commission's hearing and decision in such case.

~~**6.5 Implied Conflict** In cases where an implied conflict of interest exists, a Commissioner abstains from voting and from participation in the hearing.~~

56.6.5 Representing Commission Each Commissioner decides which invitations to attend or participate in public and private functions, he can appropriately accept as a member of the Commission. ~~He is~~ Commissioners should be careful to indicate when ~~he they are is~~ representing the Commission, rather than acting or speaking for ~~them shelf himself~~. Such allied efforts, contributing to the work and purposes of City Planning in Springfield are unpaid, except when infrequently acceptance of out-of-pocket expenses is necessary to make possible the

constructive participation; in such instances, the Commission is officially consulted or advised.

6.76 Employment not Qualification Commissioners do not engage in any private or profitable employment, or in any personal business transaction in which the fact of membership on the Commission or any knowledge of its actions unique to membership would be qualification for such employment or a significant reason for the personal business transaction.

6.87 Gifts Commissioners do not accept gifts from applicants, their representatives, or other persons and institutions concerned with ~~items matters~~ which have been or might come before the Commission. However well intended acceptance of such gifts could lead to misconceptions by prospective donors or the public generally.

6.98 Meeting Conduct City Planning and Zoning Commissioners shall conduct themselves at Commission meetings in a fair, understanding, and as gracious a manner as circumstances permit. They shall seek to be considerate of all individuals, attitudes, and the difference of opinion almost always involved.

6.109 Commissioner Responsibility In his behavior and actions, each City Planning and Zoning Commissioner is keenly aware of the Commission's responsibility, together with the City Planning staff, to plan for Springfield as a whole in all primary aspects, both with respect to the present and long-range future. Numerous organizations and individuals contribute significantly to one or several elements of the City, but very few are obliged to continuously consider the entire physical City, its present population and condition, and its future development and inhabitants.

Section 7.0 Miscellaneous

7.1 Amendment to Rules of Procedure The rules of procedure of this Commission shall be amended only with five (5) affirmative votes. Any proposed amendment or rescission of rules shall be voted upon only after the same has been reduced to writing, filed with the Executive Secretary of the Commission and read at the regular meeting immediately preceding the meeting at which the same is voted upon. Debate on the proposed amendment or rescission shall be permitted at both the meeting where the proposed amendment or rescission was read and at the meeting where it is to be voted upon.

~~**7.2 Forms** In all cases, the application shall contain the name, address, and telephone number of the applicant, the name and address of the record owner of property proposed to be rezoned, a plot plan with accompanying legal description of the property proposed to be rezoned and a list of the record owners of property~~

~~within 185 feet of the property proposed to be rezoned properly certified by a
recognized abstractor.~~

Passed this 9th ~~22nd~~ day of February 2023 ~~April, 1957.~~

/s/ Briton Jobe ~~Jack Powell~~

Chairman ~~Chairperson~~

ATTESTED: /s/ Susan Istenes, AICP Planning Director ~~H.M. DeNoble~~

Secretary

AMENDED: *July 12, 1965
November 15, 1965
February 17, 1969
November 19, 1973
February 11, 1974
January 13, 1975
February 3, 1977
August 18, 1977
November 6, 1980
January 29, 1981
February 25, 1982
December 15, 1983
January 19, 1984
October 10, 1985
May 22, 1986
November 30, 1989
December 12, 1991
June 29, 1992
November 4, 1993
July 31, 1997
March 12, 1998
October 8, 1998
July 1, 1999
September 9, 1999
April, 2002
September, 2009
February 20, 2014
June 4, 2015
August 6, 2015*

February 9, 2023