

One-rdg. _____
P. Hrngs. _____
Pgs. 92
Filed: 05-14-19

Sponsored by: Ollis and Schilling

First Reading: April 8, 2019
AMENDED SUBSTITUTE
COUNCIL BILL 2019-078

Second Reading: May 20, 2019
GENERAL ORDINANCE 6528

AN ORDINANCE

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

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

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

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

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

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

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

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

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

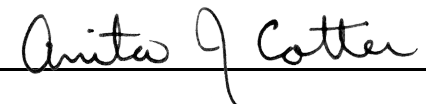
45
46 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
47 affect any suit or proceeding now pending in any court or any rights acquired, or liability
48 incurred nor any cause or causes of action accrued or existing, under any act or
49 ordinance repealed hereby, or shall any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

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


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

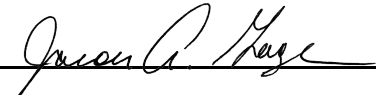
61
62 Passed at meeting: May 20, 2019

63
64 
65 _____
66 Mayor

66
67 Attest:  _____, City Clerk

68
69 Filed as Ordinance: May 20, 2019

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


73
74
75 Approved for Council action:  _____, City Manager

**THIRD SUPPLEMENTAL EXPLANATION TO AMENDED SUBSTITUTE COUNCIL
BILL 2019-078**

ORIGINATING DEPARTMENT: Law


At the May 6, 2019, Council amended Substitute Council Bill 2019-078 Sec. 36-474 to include the Department of Health and Senior Services ("DHSS") draft definitions of "schools," "churches," and "day cares" and the draft DHSS measurement standard. Additionally, Council amended the bill to close medical marijuana facilities to the public from 10:00 p.m. to 6 a.m.

Submitted by:



City Attorney

Approved by:



City Manager

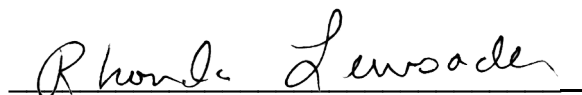
**SECOND SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL
2019-078**

ORIGINATING DEPARTMENT: Law

Councilmembers Ollis and Schilling requested a substitute bill that set the separation requirements from medical marijuana dispensaries and Type 2 manufacturing facilities for schools at 1,000 feet and for day cares and churches at 200 feet and which adopted the Department of Health and Senior Services (DHSS) draft definitions of “schools,” “churches,” and “day cares” and the draft DHSS measurement standard. “Exhibit 1” includes those separation distances, draft definitions, and measurement standard.


Additionally, Exhibit 1 includes the amendment adopted by City Council at the April 8, 2019, meeting, which removed language from the original bill that set limitations on hours that medical marijuana facilities may be open to the public.

Submitted by:



City Attorney

Approved by:



City Manager

SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL 2019-078

FILED: 04-02-19

ORIGINATING DEPARTMENT: LAW

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

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

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

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

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

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

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

Submitted by:


Assistant City Attorney

Approved by:


Jason Gage, City Manager

EXPLANATION TO COUNCIL BILL 2019 -078

FILED: 04-16-19

ORIGINATING DEPARTMENT: Planning and Development

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

BACKGROUND INFORMATION:

ZONING ORDINANCE TEXT AMENDMENT – MEDICAL MARIJUANA AMENDMENTS

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

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

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

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

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

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

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

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

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

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

point of the property line of the school, child day care center, or church. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church. For purposes of these amendments, a "child day care center" is a facility licensed by the City or State.

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

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

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

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

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

FINDINGS FOR STAFF RECOMMENDATION:

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

REMARKS:

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

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

Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Jason Gage, City Manager

EXHIBITS:

Exhibit 1, Text Amendments

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Proposed Amendments

Amended Exhibit 1

Sec. 36-303. - General provisions.

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

Sec. 36-321. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

Medical marijuana cultivation facility: A facility licensed by the State to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. 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 dispensary facility: A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana-infused products: Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Medical marijuana-infused products manufacturing facility: A facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

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

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

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

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

Sec. 36-363. - Conditional use permits.

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

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

immediately surrounding the site;

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and

function of any significant natural topographic or physical features of the site;

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

7. Medical marijuana facilities.

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

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

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

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

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

B. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, child day care center, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

D. For purposes of this subsection, a “child day care center” means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the state of Missouri.

E. For purposes of this subsection, a “church” means a permanent building 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 twelfth grade, but does not include any private school in which education is primarily conducted in private homes.

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

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

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

(v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

(vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:

A. The functional classification of the street on which the site is located; and

B. The surrounding residential districts and uses; and

- C. The location, nature and height of buildings, structures, walls and fences on site; and
- D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
- E. The nature and extent of landscaping and screening on the site; and
- F. The number of trips anticipated each day to the site.
- (vii) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (viii) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (ix) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

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

(2) Permitted uses.

- (q) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (s) Medical office use group.
- (t) Personal services use group.
- (us) Police and fire stations.
- (vt) Private clubs and lodges.
- (wu) Public and private parks, playgrounds, and golf courses, including miniature

golf courses and driving ranges.

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

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

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

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

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

(~~bbz~~) Schools, business.

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

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

(~~eee~~) Taxidermists.

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

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

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

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

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

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

(2) *Permitted uses.*

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

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

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

(~~ee~~) Medical office use group.

(~~ff~~) Nurseries, greenhouses, and garden stores.

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

(~~hee~~) Personal services use group.

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

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

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

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

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

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

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

(~~oo~~~~ll~~) Retail sales use group.

(~~pp~~~~mm~~) Schools, business.

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

(~~rr~~~~ee~~) Self-service storage facilities.

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

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

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

(~~vvss~~) Taxidermists.

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

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

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

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

(~~aaax~~) Upholstery shops.

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

(~~cccz~~) Wholesale sales.

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

(a) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup

kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

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

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

(~~f~~) Reserved.

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

(~~h~~g) Soup kitchens.

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

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

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

(~~k~~j) Truck stops.

(4) *Use limitations.*

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

(b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.

- (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

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

(2) *Permitted uses.*

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

(~~nnkk~~) Personal services use group.

(~~ooH~~) Pest control services.

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

(~~qqnn~~) Private clubs and lodges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~eeebbb~~) Taxidermists.

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

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

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

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

(~~jjjggg~~) Truck stops.

(~~kkkhhh~~) Upholstery shops.

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

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

(mmmmjjj) Wholesale sales use group.

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

- (a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
- (b) Go-cart tracks.
- (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district-Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (d) Soup kitchens.
- (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

- (a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.
- (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
- (c) No vibration, glare, or heat shall be detectable at the district boundary line.
- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

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

(2) *Permitted uses.*

- (bb) Medical marijuana dispensary facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school or within two hundred (200) feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical office use group.
- (ee) Personal services use group.
- (ff) Police and fire stations.
- (gg) Private clubs and lodges.

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

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

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

(~~jj~~~~hh~~) Repair shops, home appliance.

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

(~~ll~~~~jj~~) Retail sales use group.

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

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

(~~oo~~~~mm~~) Schools, elementary and secondary.

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

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

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

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

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

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

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

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

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

(~~wwuu~~) Wholesale sales.

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

(1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area. Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) *Permitted uses.*

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

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

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

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

16. Offices, medical and dental.

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

18.16. Pet stores and pet grooming.

19.17. Police and fire stations.

20.18. Recording studios.

21.19. Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.

22.20. Retail sales use group excluding convenience stores with gas pumps.

23.21. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.

24.22. Schools, business.

25.23. Taverns and cocktail lounges.

26.24. Temporary uses, as permitted by section 36-452, temporary uses.

~~27.25-~~ Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

~~28.26-~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

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

(2) *Permitted uses.*

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

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

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

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

(u) Pest control services.

(v) Police and fire stations.

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

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

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

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

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

(~~a~~~~a~~~~w~~) Schools, industrial and business.

(~~b~~~~b~~~~x~~) Self-service storage facilities.

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

(~~d~~~~d~~~~z~~) Swimming pool sales and display.

(~~e~~~~e~~~~a~~~~a~~) Taxidermists.

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

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

(~~h~~~~h~~~~d~~~~d~~) Upholstery shops.

(~~jie~~) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
(~~jiff~~) Warehouses, storage and distribution centers.

(~~kkg~~) Wholesale sales.

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

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

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

(~~cb~~) Soup kitchens.

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

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

(4) *Use limitations.*

(a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.

(b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.

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

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

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

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

(2) *Permitted uses.*

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

telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

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

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

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

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

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

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

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

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

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

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

(~~ff~~~~bb~~) Upholstery shops.

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

(~~hh~~~~dd~~) Warehouses, storage and distribution centers.

(~~ii~~~~ee~~) Wholesale sales and distribution.

(~~jj~~~~ff~~) Wholesale sales use group.

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

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

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

(~~cb~~) Motor freight terminals.

(~~de~~) Soup kitchens.

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

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

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

(4) *Use limitations.*

- (a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.
- (d) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

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

(2) *Permitted uses.*

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

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

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

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

(y) Motor freight terminals.

(z) Pest control services.

(aa) Police and fire stations.

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

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

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

(ddy) Recycling centers.

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

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

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

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

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

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

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

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

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

(~~mmhh~~) Upholstery shops.

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

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

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

(gg#) Wholesale sales use group.

- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:
- (a) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.
 - (b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.
 - (c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.
 - (d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - (e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - (h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (ig) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.

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

(4) *Use limitations.*

- (a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.
- (b) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

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

(2) *Permitted uses.*

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

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

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

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

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

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

(ff) Motor freight terminals.

(gg) Pest control services.

(hh) Police and fire stations.

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

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

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

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in

height allow collocation of at least one additional provider's facilities.

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

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

(~~mmhh~~) Recycling centers.

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

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

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

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

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

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

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

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

Department.

(~~uu~~~~pp~~) Swimming pool sales and display.

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

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

(~~xx~~~~ss~~) Upholstery shops.

(~~yy~~~~tt~~) Vehicle rental, towing and storage services.

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

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

(~~bb~~~~ww~~) Wholesale sales.

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

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

(a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.

(b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.

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

- (d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (f) Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.
 - (gf) Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.
 - (hg) Processing, reprocessing and storage of PCB containing oils.
 - (ih) Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.
 - (ji) Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.
 - (kj) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (lk) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (ml) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*

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

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

(2) *Permitted uses.*

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

(cc) Medical office use group.

(dd) Nurseries, greenhouses and garden stores.

(ee) Upholstery shops.

(ff) Personal services use group.

(gg) Pest control services.

(hh) Police and fire stations.

(ii) Private clubs and lodges.

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

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

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

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

(mm) Retail sales use group.

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

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

(pp) Self-service storage facilities.

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

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

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

(~~ttpp~~) Taxidermists.

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

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

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

(~~xxtt~~) Upholstery shops.

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

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

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

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

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

(b) Go-cart tracks.

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

(d) Motor freight terminals.

- (e) Soup kitchens.
 - (f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (h) Truck stops.
 - (i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
 - (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
 - (d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
 - (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
 - (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
 - (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

- (1) Purpose. The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.
- (2) Medical marijuana facility standards. Medical marijuana facilities as defined shall follow the regulations of this article.
 - (a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - (b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
 - (c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day care center, or church.
 - 1) In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day center or church to the closest point of the property line of the school, child day care center, or church.
 - 2) In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 - 3) Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 - 4) For purposes of this section, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the state of Missouri.
 - 5) For purposes of this section, a "church" means a permanent building 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 not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.
- (d) No medical marijuana business shall be located in a building that contains a residence.
- (e) 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.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (i) All other City Codes shall apply.

EXHIBIT A

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

Medical Marijuana Amendments
Citywide
Applicant: City of Springfield

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

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

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

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

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

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

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

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

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

Medical Marijuana Cultivation Facility is defined as:

- A facility licensed by the State to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
- Similar to greenhouse operation.

Permitted Districts:

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

Medical Marijuana Testing Facility is defined as:

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

Permitted Districts:

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

Medical Marijuana-Infused Projects Manufacturing Facility is defined as:

- A facility licensed by the State to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.
- Medical Marijuana-Infused Products are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.
- Includes both the extraction process and production of edibles, ointments, etc.

Type 1 Extraction Facility include:

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

Permitted Districts:

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

Type 2 Post-Extraction Facility include:

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

Permitted Districts:

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

Medical Marijuana Dispensary Facility is defined as:

- A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.
- Similar to a pharmacy as part of the Retail Sales Use Group.
- Not permitted in Limited Business or Office Districts because these districts are sometimes embedded in residential neighborhoods.

Permitted Districts:

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Doennig opened the public hearing.

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

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

services.

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

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

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

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

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

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

Mr. Doennig closed the public hearing.

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

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

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

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

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

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

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

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

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

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

COMMISSION ACTION:

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

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

COMMISSION ACTION:

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

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

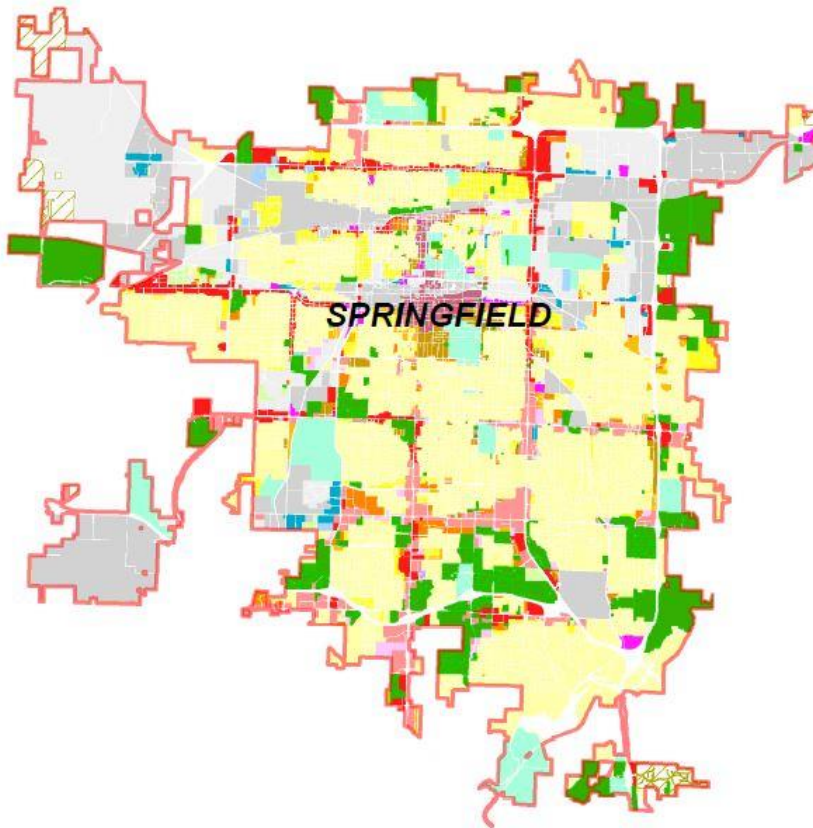
Bob Hosmer, AICP
Principal Planner

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING: MARCH 28, 2019

CITY COUNCIL PUBLIC HEARING: APRIL 8, 2019



CASE:

Medical Marijuana Amendments

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve

PROPOSED MOTION:

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

SUMMARY OF REQUEST:

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

FINDINGS FOR STAFF RECOMMENDATION:

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

Development Review Staff Report



COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

SUMMARY OF PROPOSED TEXT AMMENDMENT:

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

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

Development Review Staff Report



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

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

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

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

STAFF COMMENTS:

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

PUBLIC COMMENTS:

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

Development Review Staff Report



DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No issues.

REQUIREMENTS FOR APPROVAL:

Attachment 2

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

Sec. 36-303. - General provisions.

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

3. Medical marijuana facilities as defined in this Article.

Sec. 36-321. - Definitions.

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

Development Review Staff Report



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

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

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

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

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

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

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

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

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

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

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

Development Review Staff Report



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

Medical marijuana dispensary facility: A facility licensed by the State to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana-infused products: Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

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

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

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

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

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

Sec. 36-363. - Conditional use permits.

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

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

Development Review Staff Report



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

Development Review Staff Report



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

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

7. Medical marijuana facilities.

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

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

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

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

Development Review Staff Report



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

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

(2) Permitted uses.

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

Development Review Staff Report



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

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

- (2) Permitted uses.

Development Review Staff Report



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

Development Review Staff Report



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

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

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

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

(~~aaax~~) Upholstery shops.

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

(~~ccczz~~) Wholesale sales.

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

(a) Body and fender repair and paint shops.

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

(c) Go-cart tracks.

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

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

(f) Reserved.

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

(h) Soup kitchens.

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

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

1. The maximum height does not exceed 200 feet;

Development Review Staff Report



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

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

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

Development Review Staff Report



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~eeebbb~~) Taxidermists.

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

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

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

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

(~~iiiggg~~) Truck stops.

Development Review Staff Report



(kkkkhh) Upholstery shops.

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

(mmmmjj) Wholesale sales use group.

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

- (a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
- (b) Go-cart tracks.
- (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district-Reserved. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (d) Soup kitchens.
- (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

- (a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.
- (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
- (c) No vibration, glare, or heat shall be detectable at the district boundary line.
- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Development Review Staff Report



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

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

(2) Permitted uses.

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

Development Review Staff Report



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

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

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

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

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

- (2) *Permitted uses.*

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

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

Development Review Staff Report



- ~~17.45.~~ Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
- ~~18.46.~~ Pet stores and pet grooming.
- ~~19.47.~~ Police and fire stations.
- ~~20.48.~~ Recording studios.
- ~~21.49.~~ Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
- ~~22.20.~~ Retail sales use group excluding convenience stores with gas pumps.
- ~~23.24.~~ Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
- ~~24.22.~~ Schools, business.
- ~~25.23.~~ Taverns and cocktail lounges.
- ~~26.24.~~ Temporary uses, as permitted by section 36-452, temporary uses.
- ~~27.25.~~ Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
- ~~28.26.~~ Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

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

(2) *Permitted uses.*

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

Development Review Staff Report



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

Development Review Staff Report



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

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

(2) Permitted uses.

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

Development Review Staff Report



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

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

Development Review Staff Report



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

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

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

Development Review Staff Report



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

Development Review Staff Report



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) *Use limitations.*

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

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

(c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.

(d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance

Development Review Staff Report



with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.

- (e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

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

(2) Permitted uses.

- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ee) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (ff) Motor freight terminals.
- (gg) Pest control services.
- (hh) Police and fire stations.
- (ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
- (jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk#) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

Development Review Staff Report



3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (~~llgg~~) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.
 - (~~mmhh~~) Recycling centers.
 - (~~nnii~~) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
 - (~~oojj~~) Schools, industrial and business.
 - (~~ppkk~~) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
 - (~~qqll~~) Self-service storage facilities.
 - (~~rrmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-433(2)(d) if applicable.
 - (~~ssnn~~) Stockyards or feed lots.
 - (~~ttpp~~) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
 - (~~uupp~~) Swimming pool sales and display.
 - (~~vveq~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~wwff~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~xxss~~) Upholstery shops.
 - (~~yytt~~) Vehicle rental, towing and storage services.
 - (~~zzuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~aaavv~~) Warehouses, storage and distribution centers.
 - (~~bbbww~~) Wholesale sales.
 - (~~cccxx~~) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

Development Review Staff Report



- (a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.
 - (b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.
 - (c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
 - (d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - ~~(f)~~ Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.
 - ~~(g)~~ Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.
 - ~~(h)~~ Processing, reprocessing and storage of PCB containing oils.
 - ~~(i)~~ Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.
 - ~~(j)~~ Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.
 - ~~(k)~~ Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - ~~(l)~~ Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - ~~(m)~~ Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
 - (b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.
 - (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

Development Review Staff Report



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

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

(2) Permitted uses.

- (y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (z) Medical marijuana dispensary facility. No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. . No facility shall be located within two hundred (200) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (bb) Medical marijuana testing facility. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
- (cc) Medical office use group.
- (dd) Nurseries, greenhouses and garden stores.
- (ee) Upholstery shops.
- (ff) Personal services use group.
- (ggee) Pest control services.
- (hhdd) Police and fire stations.
- (iiee) Private clubs and lodges.
- (jiff) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kkgg) Public or private vehicle and boat storage garages, yards, or lots.
- (llhh) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (mmii) Retail sales use group.

Development Review Staff Report



- (~~nnj~~) Schools, professional, commercial, industrial and trade.
 - (~~ookk~~) Schools or development centers for persons with handicaps or development disabilities.
 - (~~pp#~~) Self-service storage facilities.
 - (~~qqmm~~) Short-term rental type 3 in accordance with section 36-472 and subject to conditions in 36-434(2)(d) if applicable.
 - (~~rrnn~~) Swimming pool sales and display.
 - (~~ssee~~) Taxi dispatch yards and offices.
 - (~~ttpp~~) Taxidermists.
 - (~~uuqq~~) Temporary lodging use group.
 - (~~vvff~~) Temporary uses, as permitted by section 36-452, temporary uses.
 - (~~wwss~~) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (~~xx#~~) Upholstery shops.
 - (~~yyuu~~) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (~~zzvv~~) Warehouses, storage and distribution centers.
 - (~~aaawww~~) Wholesale sales use group.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.
- (a) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.
 - (b) Go-cart tracks.
 - (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district~~Reserved~~. No facility shall be located within one thousand (1,000) feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474., medical marijuana facilities.
 - (d) Motor freight terminals.
 - (e) Soup kitchens.
 - (f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
 - (h) Truck stops.
 - (i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (4) *Use limitations.*
- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

Development Review Staff Report



- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
- (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

Sec. 36-474. – Medical marijuana facilities.

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

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

(a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

(b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.

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

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

2) In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.

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

4) For purposes of this section, a "child day care center" is a facility licensed by the City or State.

(d) No medical marijuana business shall be located in a building that contains a residence.

Development Review Staff Report



- (e) All medical marijuana businesses shall be closed to the public between the hours of 10:00 P.M. and 6:00 A.M., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
- (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
- (g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- (i) All other City Codes shall apply.