



The City of Lee's Summit

Final Agenda

Community and Economic Development Committee

Wednesday, June 12, 2019

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Public Comments
5. Business
 - A. [2019-2764](#) Approval of the May 8, 2019 CEDC Action Letter.
 - B. [2019-2801](#) Constituent concern regarding fireworks within neighborhood and City.

Presenter: Mr. Marc Solomon, resident of Parkwood at Stoney Creek
City staff
 - C. [TMP-1261](#) An Ordinance approving application #PL2019-194 - Unified Development Ordinance (UDO) Amendment #8 Medical Marijuana affecting the following ordinance sections - Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards- Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions- Division II Definitions ; City of Lee's Summit, Applicant.

Presenter: Josh Johnson, Assistant Director of Development Services
5. Roundtable
6. Adjournment

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"

Packet Information

File #: 2019-2764, **Version:** 1

Approval of the May 8, 2019 CEDC Action Letter.

The City of Lee's Summit
Action Letter
Community and Economic Development Committee

Wednesday, May 8, 2019

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order

2. Roll Call

Present: 5 - Vice Chair Diane Forte
Councilmember Fred DeMoro
Liaison Donnie Funk
Councilmember Craig Faith
Chairperson Beto Lopez

Absent: 1 - Alternate Bob Johnson

3. Approval of Agenda

A motion was made by Vice Chair Forte, seconded by Councilmember Faith, that this agenda be approved. The motion carried unanimously.

4. Public Comments

There were no public comments at the meeting.

5. Business

A. [2019-2742](#) Approval of the April 10, 2019 CEDC Action Letter

A motion was made by Vice Chair Forte, seconded by Councilmember DeMoro, that the action letter be approved. The motion carried unanimously.

B. [2019-2741](#) Sidewalk requirements of the Unified Development Ordinance (UDO)

Hector Soto presented a discussion item by the Livable Streets Advisory Board. The Livable Streets Advisory Board would like to see the the footprint of the sidewalk network in the city expanded.

A motion was made by Vice Chair Forte, seconded by Councilmember Faith, that this presentation be forwarded to the City Council - Regular Session. The motion carried unanimously.

C. [2019-2729](#) Public Hearing - City of Lee's Summit Analysis of Impediments to Fair Housing Choice

Heping Zhan gave a presentation regarding the City of Lee's Summit's Analysis of Impediments to Fair Housing Choice.

A motion was made by Vice Chair Forte, seconded by Councilmember DeMoro, that this Analysis of Impediments to Fair Housing Choice be recommended for consideration to the City

Community and Economic Development Committee

Action Letter

May 8, 2019

Council - Regular Session, targeting a date of June 18. The motion carried unanimously.

6. Roundtable

Council member Forte attended the Lee's Summit Economic Development Committee luncheon on May 9, 2019. She encouraged other members of the CEDC to attend those meetings.

7. Adjournment

There being no further business, Chairperson Lopez adjourned the meeting at 5:35 P.M.

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Packet Information

File #: 2019-2801, **Version:** 1

Constituent concern regarding fireworks within neighborhood and City.

Issue/Request:

Mr. Marc Solomon, resident in the Parkwood at Stoney Creek subdivision has requested to present information and concerns to the Community Economic and Development Committee (CEDC) with regard to the use of fireworks within his neighborhood in July of 2018. Attached to this packet is information Mr. Solomon has requested be provided to the CEDC in advance of the meeting.

Background:

Each year the City receives concerns regarding the use of fireworks and from time to time citizens bring forward their concerns to the Mayor and Council as well as City staff. Mr. Solomon has requested to present his concerns to the City and Mayor Pro Tem Lopez assigned this matter to the Community and Economic Development Committee for consideration.

Also attached to this packet are the current regulations regarding the possession, manufacture, storage, sale, handling and use of fireworks within the City of Lee's Summit. Staff will be prepared to provide additional information and discuss this matter with the Committee after Mr. Solomon presents his concerns.

Mr. Marc Solomon, resident of Parkwood at Stoney Creek
City staff

Information provided by Marc Solomon, resident of Parkwood at Stoney Creek

On Tuesday 7/3/18, a 41st Street block party was hosted by the residence of 1505 SW 41st Street, see invitation on page 5 below. The fireworks were ignited by the resident at 1409 SW 41st Circle on the street and not on the resident's property, see photo on page 4 below. The next morning I went to retrieve my morning KC Star and found that my front steps were covered with shredded paper, chock in paperboard wrapping, inert orange granular material, and plastic tubes closed at one end. This material covered the area from the ignition site to my front steps, approximately 100 feet; from the ignition site to the furthest edge of my driveway, approximately 130 feet; the deck at the back of my home, approximately 150 feet, see photo below on page 3. Also, the white areas of the decks railing had a granular material on them (I moistened some of the grains with a drop of water and the drop dissolved the grains into an almost black liquid). I cleaned up the shredded paper, chock in paperboard wrapping, inert orange granular material, and plastic tubes. I retained some it for possible testing. Later in the day of the 4th, the fireworks shooter cleaned part of the area, they did not clean SW 41st Street or the sidewalk parallel to Stoney Creek Drive.

I called the LS Fire Department 816.969.1300 to determine if the granular material on my deck was toxic. They felt that it came from the smoke produced by the fireworks and I should use a hose to wash the rails, deck and deck furniture.

The City of Lee's Summit, MO I referenced is <http://cityofls.net/Fire/Permits-Inspections-and-Development/Fireworks>

Based on the summarized table of ordinances, there are a number of violations:

1. I have a 2.25 gallon gasoline container in my garage and spare butane tank on my deck; these are not more than 300 feet from the ignition point.
2. The description above relative to firework debris is a clear indicator that the fireworks were propelled in the direction of property not owned by the fireworks shooter.
3. The shooter used a public street to propel the fireworks and not their own property.

There is a document to "Please properly dispose of waste material in a safe manner.", clearly they did not do a complete job.

Information provided by Marc Solomon, resident of Parkwood at Stoney Creek

Suggestions for changes to the rules:

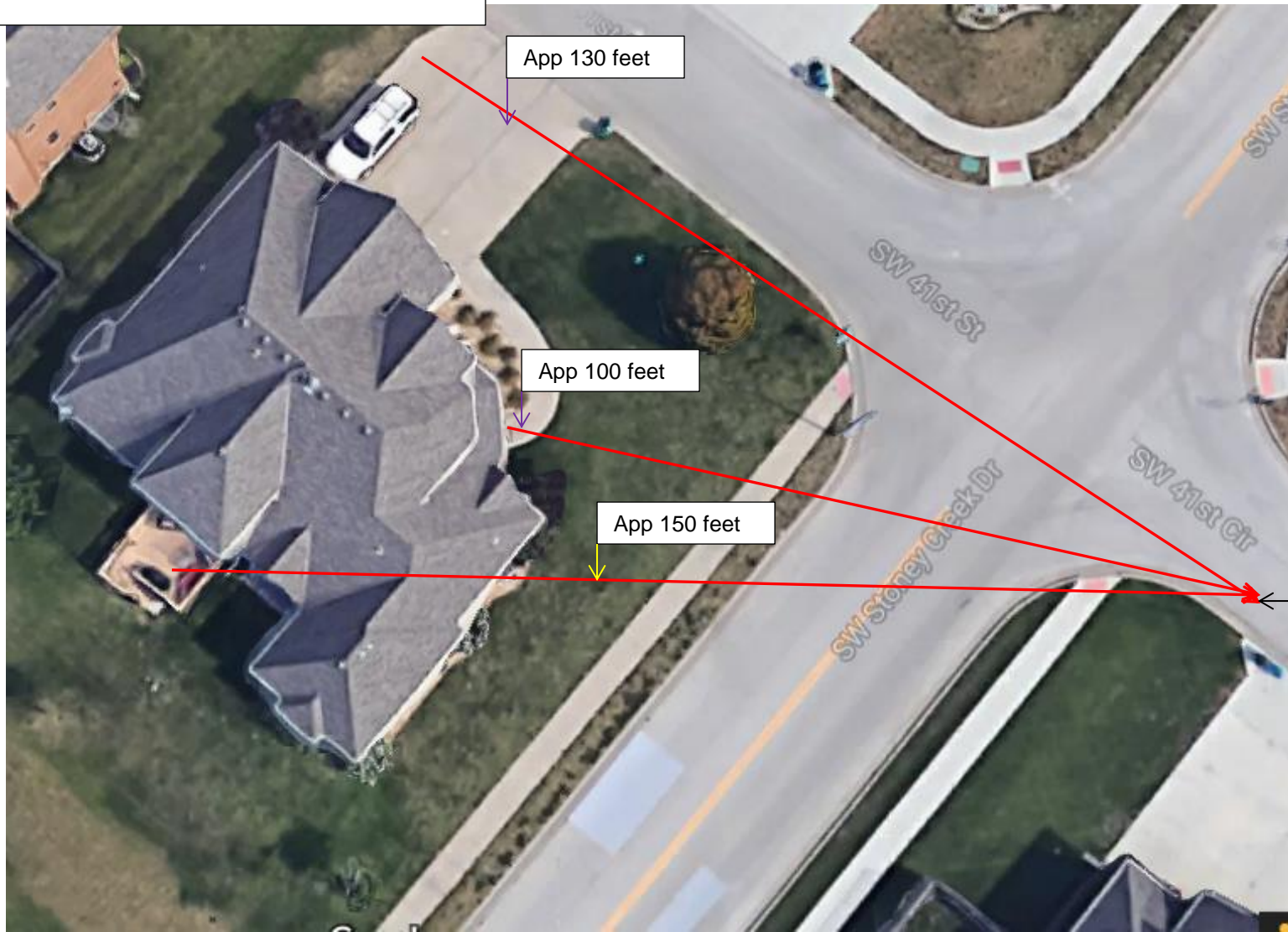
- A. Is it appropriate for a block party to need fireworks that go aerial one or two stories above a two story roof? I don't think so, since last year's fireworks were very tame and adequate compared to this year. I did not have to clean up after the show.
- B. Why is it necessary for fireworks to be fired prior to sunset? July 2 and 3 should be 7 pm to 10pm and July 4, 7 pm to 11 pm. This will allow residents to get uninterrupted sleep with no loud noises. We had neighbors firing what sound like mortars all day; I had to take down delicate glass on two walls to prevent damage to them.
- C. List products that are allowed, which would limit annual updates. For example:

The following are allowed, all other fireworks are banned for home resident use:

- Sparklers
 - Colored Torches
 - Colored Fire Cones & Boxes
 - Nonpoisonous Snakes
 - Colored Smoke Items Without Report
 - Cones & Fountains.
 - Pinwheels, Spinners & Spinner Wheels
 - Snappers
 - Caps (as used in toy cap guns)
 - Confetti Type Poppers
- D. The rules should include the LSPD non-emergency number, 816.969.7390, to report non-compliance to the ordinances.

Arial Photo of my Home at 1501 SW 41st Street, Lee's Summit, MO

resident of Parkwood at Stoney Creek



Approximate ignition location. See Photo on Page 4.

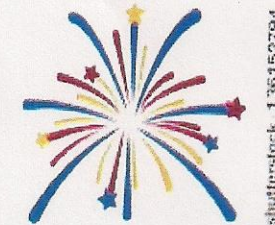
Information provided by Marc Solomon, resident of Parkwood at Stoney Creek

The waste boxes are in the same location as when fireworks were ignited.





Join Us for a Block Party!



Tuesday 7/3 @ 7:00 pm

1505 SW 41st St Street

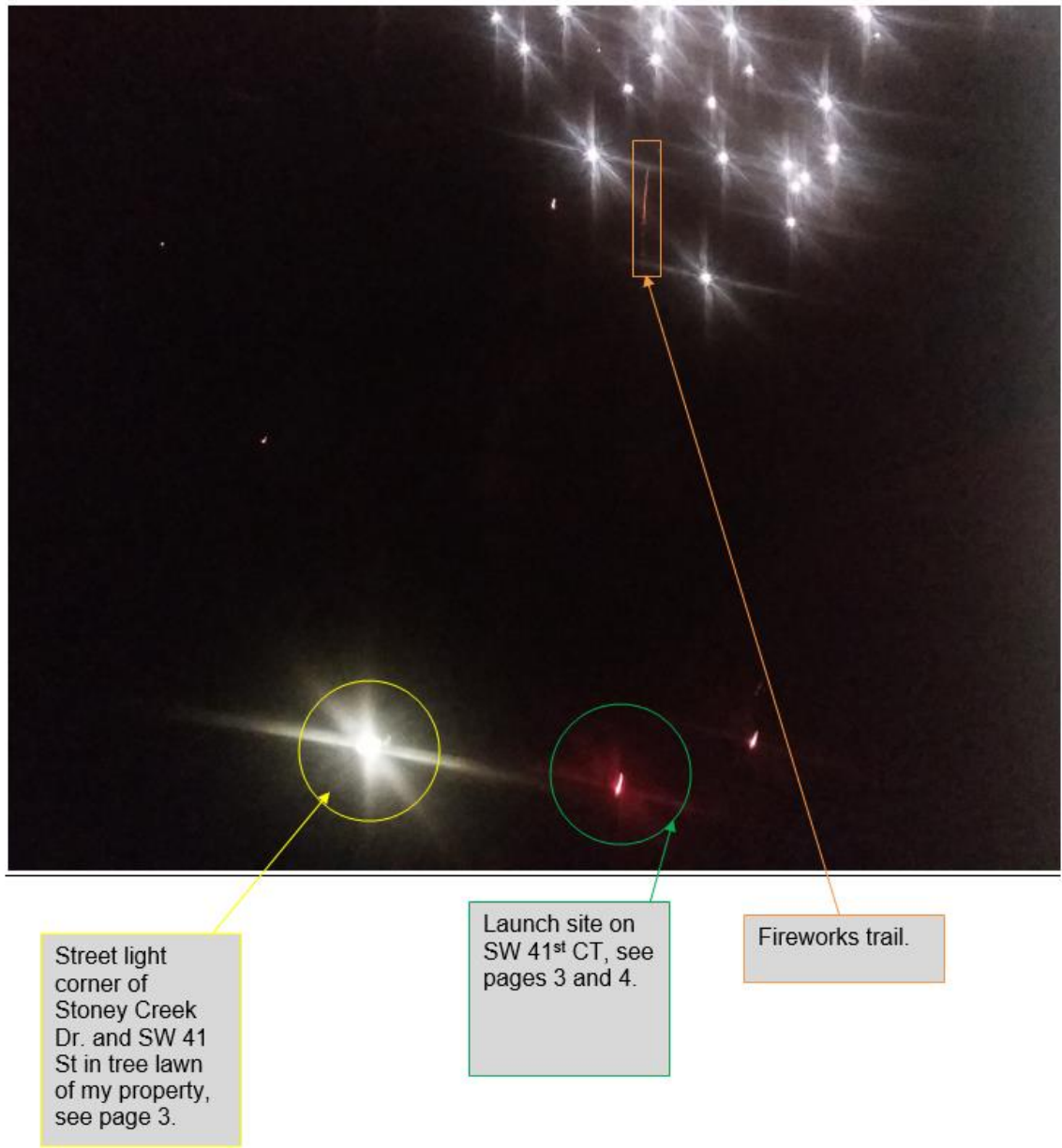
We will have food, fireworks, music, beverages for all, bounce house, games and more!!! Fireworks display will be lit for all. Please leave your own fireworks at home for the safety of kids and others. We are providing hamburgers, hot dogs, and summer sides. Bring a side dish if you like, but it is not required.

Fireworks will be at sundown.

Please bring folding chairs for your family.

*41st street will be blocked off at Stoney Creek Drive from around 6:30-10pm

Information provided by Marc Solomon, resident of Parkwood at Stoney Creek



Sec. 13-44. - Same—Amendments.

Explosives and Fireworks.

Section 5601.1.3 is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the corporate limits of the City, except as follows:

1. Except as authorized below for the storage and handling of certain Division 1.4G fireworks, the storage and handling of fireworks shall be permitted only in compliance with Section 5604.
2. The manufacture, assembly and testing of fireworks shall be permitted only in compliance with Section 5605.
3. The possession and use of Division 1.3G fireworks shall be permitted only in accordance with Section 5608.
4. The possession, storage, handling and use of certain Division 1.4G fireworks shall be permitted within the corporate limits of the city, provided such fireworks comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable Ordinances and Codes of the City of Lee's Summit, Missouri, except that it shall be unlawful for any person to possess, store, handle, or use, within the corporate limits of the city, the following Division 1.4G fireworks:
 - a. Rockets on a stick;
 - b. Missiles with fins or rudders for the purpose of achieving aerodynamic flight; and
 - c. Roman Candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING SHOOTS FLAMING BALLS" or "WARNING SHOOTS FLAMING BALLS AND REPORTS", and not including California Candles or Illuminating Torch with the following wording on the caution label: "CAUTION EMITS SHOWERS OF SPARKS" and Single or multi-shot parachutes, with night effects.
5. The possession or discharge of Division 1.4G fireworks, as authorized by this Section shall be allowed only by permit. The permit shall contain the name, address, and location of the intended use and shall be in the form approved by the Director of Finance. The permit may be obtained at the point of sale within the city, the city web page, or from the Director of Finance. One such permit shall be required per household or address at which the discharge will occur.
6. The use of Division 1.4G fireworks within the city limits shall only be permitted on July 2 and 3 of each year between the hours of 10:00 a.m. and 11:00 p.m., on July 4 of each year between the hours of 10:00 a.m. and Midnight.
7. It shall be unlawful for any person to throw, use, explode, detonate, aim, point or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property not owned by the person shooting the fireworks.
8. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within any structure.
9. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within six hundred (600) feet of any church, hospital, mental health facility, school, or within one hundred (100) [feet] of any location where fireworks are stored, sold, or offered for sale.

10. No person shall use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle including watercraft or any other means of transportation, except where a display permit has been issued for a floating vessel or floating platform, nor shall any person place or throw any ignited firework into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person, group of people, or animal.
11. No person shall throw, use, explode, detonate, or shoot fireworks within three hundred (300) feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.
12. Notwithstanding the provisions of the Lee's Summit City Code to the contrary, the prohibitions of Chapter 17, Article IX, "Regulations Regarding Control of Noise and Sound" shall not be applicable to any lawful discharge of Division 1.4G fireworks authorized by this Section 3301.1.3.
13. It shall be unlawful for any person under the age of sixteen (16) years, unless under the supervision of a parent or guardian, to possess or discharge Division 1.4G fireworks within the City limits.

Section 5601.2.2 is amended to read as follows:

5601.2.2 Sale and retail display.

1. General. No person, firm, or corporation shall construct a retail display for, sell, or offer for sale, explosives, explosive materials, or fireworks within the corporate City limits, except as allowed for permitted blasting operations and commercial fireworks displays, and except that the retail display and sale of certain Division 1.4G fireworks shall be permitted within the corporate City limits by nonprofit, religious or community service organizations for the period beginning 6:00 a.m. on June 23 and extending through midnight on July 4 of each year. Notwithstanding the foregoing, it shall be unlawful for any person, firm, or corporation, including nonprofit, religious or community service organizations, to construct a retail display for, sell, or offer for sale, within the corporate City limits, the following Division 1.4G fireworks:
 - A. Rockets on a stick;
 - B. Missiles with fins or rudders for the purpose of achieving aerodynamic flight; and
 - C. Roman Candles with or without spikes, identified by the word "Candle" on the label with the following wording on the caution label: "WARNING SHOOTS FLAMING BALLS" or "WARNING SHOOTS FLAMING BALLS AND REPORTS", and not including California Candles or Illuminating Torch with the following wording on the caution label: "CAUTION EMITS SHOWERS OF SPARKS" and single- or multi-shot parachutes, with night effects.
 - D. All nonprofit, religious or community service organizations selling Division 1.4G fireworks as authorized herein shall comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable Ordinances and Codes of the City of Lee's Summit, Missouri.
2. Retail Sales License Required. No person shall construct a retail display for, sell, or offer for sale at retail, Division 1.4G fireworks as authorized by Subsection 1 of this Section 5601.2.2 without a license issued pursuant to this Subsection 2. It shall be unlawful for any person to sell fireworks from a car or truck or in any other manner except from a structure or stand licensed to sell fireworks pursuant to this Section.

- A. *Application period, limitation on number of licenses and locations.* The Director of Planning and Development or his or her designee will accept license applications between 8:00 a.m. on April 1 and 5:00 p.m. on April 3 of each year. In the event that April 1, 2 or 3 for any given year falls on a Saturday, Sunday or legal holiday, the period for accepting license applications shall be proportionally extended so that a total of three (3) business days shall be available for the submission of applications. No application will be accepted without a completed application in the form provided by the Director of Planning and Development, proof of state permit, proof of insurance, security plan, security deposit, and all necessary supporting documents. No more than twenty (20) licenses shall be issued for the retail sale of fireworks in the City in any year. Only one application may be filed on behalf of an entity for a particular location, and any additional applications filed on behalf of the same entity for a particular location will not be considered. Once an application is filed, the information contained therein may not be revised or altered; provided, however, that the identity of an entity and the proposed location may be changed by written request received by the Director of Planning and Development within forty-eight (48) hours of the filing of the application. Only one license can be issued for an application and only one license will be issued for each particular location. Each year nineteen (19) licenses shall be reserved for nonprofit, religious or community service organizations located and operating in either the City of Lee's Summit or the Lee's Summit R-7 School District ("Local Organizations") and one license shall be reserved for a national nonprofit organization which has an office located inside the City of Lee's Summit (e.g. the Red Cross) ("Outside Organization"). In the event that an application is not filed on behalf of an Outside Organization the remaining license may be granted to a Local Organization. In the event that nineteen (19) applications are not filed on behalf of Local Organizations the remaining licenses may be granted to Outside Organization. Applications to be considered for the twenty (20) licenses shall be selected by lottery in the following manner. First, each applicant shall draw a number at random at the time of filing the application. The Director of Planning and Development, or his or her designee, shall record the number drawn with the applicant's application. The names of the applicants shall be listed in numerical, sequential order of the numbers so drawn, together with the designation of whether the applicant is a Local Organization or Outside Organization. The first nineteen (19) Local Organizations listed and the first Outside Organization listed shall be considered for the twenty (20) available licenses. In the event that the number of Local Organizations and Outside Organizations applying do not meet the amount of licenses reserved for the respective class, the remaining licenses may be awarded to qualified applicants of the other class. The license fee must be paid prior to the erection of any tent or other such structure that will serve as the point of sale. All applicants who obtain a license under this section will also be required to obtain a Special Events Permit from the Department of Planning and Development and pay the Special Events Permit Fee. The Special Events Permit Fee must be paid within forty-eight (48) hours of notification of selection for issuance of a license or the application will be deemed denied and the next applicable application shall be considered in numerical, sequential order as determined by the lottery.
- B. *Proof of State permit.* No application will be accepted without proof of a valid permit issued by the Missouri Department of Public Safety for the retail sale of consumer fireworks.

- C. *Proof of insurance.* No application will be accepted without proof of general liability insurance in the amount of no less than one million dollars (\$1,000,000.00) per occurrence and a two million dollars (\$2,000,000.00) aggregate limit, and covering liabilities arising from the retail sale of fireworks during the term of the coverage shall be submitted with every application. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the seasonal retailer.
- D. *Setup and removal of stands—Bond or security required.* No temporarily licensed stands, nor any signs approved as part of the Special Event Permit process, may be setup before June 23 of the licensed year. All licensees must display at the stand location a thirty-two (32) square foot banner which recites the identity of the licensee. This banner must be attached between two poles securely placed in the ground. All licensees must also display near the cash register (or other place of checkout) a sign of at least twelve (12) inches by twelve (12) inches which recites the identity of the licensee. As a condition of approval of the license application, all licensees must immediately remove any sign after being informed by City staff that the sign violates the licensee's approved sign plan. It shall be the duty of the licensee to completely remove all temporary licensed stands and signs, and to clear the site where such stand and signs were erected of all debris and trash on or before July 7th of the same year. All applicants for a license shall furnish a cash deposit, performance bond, letter of credit, or other security approved in content and form by the City Attorney, in the face amount of one thousand dollars (\$1,000.00) to secure performance of the licensee's obligations under this section. If any persons licensed under this section shall fail to comply with any provisions of this section, then the bond or other security furnished with the license application shall be forfeited to the City.
- E. *Security plan.* At the time of application, every applicant shall provide a narrative description of its security plan to secure the premises when not open to the public, including the evidence of the qualifications of the security guard or guards. At a minimum, the security plan shall provide the following:
 - i. The stand/tent shall be secured and a guard present any time the business is not open to the public.
 - ii. The security guard shall be properly and validly licensed pursuant to the City Code.

Section 5601.2.4 is amended to read as follows:

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of two million dollars (\$2,000,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The Fire Code Official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Packet Information

File #: TMP-1261, **Version:** 1

An Ordinance approving application #PL2019-194 - Unified Development Ordinance (UDO) Amendment #8 Medical Marijuana affecting the following ordinance sections - Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards- Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions- Division II Definitions ; City of Lee's Summit, Applicant.

Issue/Request:

Staff is seeking a recommendation from the Community and Economic Development Committee of the City Council, and the Planning Commission, regarding zoning regulations related to medical marijuana.

Key Issues:

Limits of our authority to regulate medical marijuana uses in the City, implications from the regulation of a newly legalized product and concerns about home grow operations.

Proposed Committee Motion:

I move to recommend to the City Council approval of an Ordinance approving application #PL2019-194 - Unified Development Ordinance (UDO) Amendment #8 Medical Marijuana affecting the following ordinance sections - Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards- Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions- Division II Definitions ; City of Lee's Summit, Applicant.

Background:

On November 6, 2018 the voters of the State of Missouri approved amendment 2 that provided for the legalization of medical marijuana in the State. The new constitutional provisions took effect on December 6, 2018. These provisions impact multiple departments and activities of the City including; Zoning, Building Codes, Law Enforcement / Prosecution, and Business License. The law provides that the State Department of Health has 240 days from the effective date of the provision to establish rules and begin accepting applications for the various types of business activities related to the legalization provisions. The Council approved, on November 20, 2018, a resolution for an Administrative Delay, to allow the City integrate any rules the state would promulgate related to medical marijuana into our own code.

The attachments to your packet include a package of amendments to the UDO to implement the zoning regulations. The proposed zoning regulations would impose buffer requirements at the maximum limits allowed by the Missouri Constitution, and in a manner that is consistent with State regulations which have been adopted on the same subject.

Josh Johnson, Assistant Director of Development Services

BILL NO.

ORDINANCE NO.

AN ORDINANCE APPROVING APPLICATION #PL2019-194 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #8 MEDICAL MARIJUANA AFFECTING THE FOLLOWING ORDINANCE SECTIONS - ARTICLE 6 USE STANDARDS – DIVISION I GENERAL PROVISIONS, AND DIVISION II USES PERMITTED WITH CONDITIONS, ARTICLE 8 SITE STANDARDS - DIVISION I DESIGN STANDARDS - SUBDIVISION 6 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN, ARTICLE 15 RULES OF INTERPRETATION AND DEFINITIONS - DIVISION II DEFINITIONS; CITY OF LEE'S SUMMIT, APPLICANT.

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, Application #PL2019-194 proposing amendments to Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards - Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions - Division II Definitions; and

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendments to Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards-Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions- Division II Definitions on June 12, 2019, and recommended that the City Council approve such amendments; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-194 on June 13, 2019 and rendered a report to the City Council recommending that the proposed amendment to Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards - Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions - Division II Definitions be approved; and

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-194 on June 18, 2019; and

WHEREAS, the City Council determined that the proposed UDO amendments contained in Application #PL2019-194 would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Article 6 Use Standards - Division I General Provisions and Division II Uses Permitted with Conditions, Article 8 Site Standards - Division I Design Standards - Subdivision 6 Crime Prevention Through Environmental Design, Article 15 Rules of Interpretation and Definitions- Division II Definitions, are hereby amended in the manner shown on the copy appended hereto as **Exhibit A** and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

BILL NO.

ORDINANCE NO.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this _____ day of _____, 2018.

Mayor William A. Baird

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian Head

EXHIBIT A

**UDO Amendments for Medical Marijuana Facilities
June 3, 2019**

Revisions to the UDO are shown in the underline and ~~strikethrough~~ format.

**ARTICLE 6. – USE STANDARDS
DIVISION I – GENERAL PROVISIONS**

Sec. 6.020. - Permitted, conditional and special use tables.

- A. Uses that are permitted by right or permitted by right but with conditions and uses permitted as special uses are shown in Table 6-1.
- B. In a PMIX District, permitted uses are specified as part of the zoning approval for each development.
- C. Any use not shown as a permitted, conditional or special use in a zoning district is specifically prohibited in that district.
- D. Uses that are allowed in the PMIX District pursuant to Table 6-1 may be modified by the Governing Body when it is determined that a better overall plan can be achieved.

Table 6-1
List of Permitted, Conditional and Special Uses

Use is permitted by right: P

Use is permitted by right but with conditions: C

Use may be permitted as a special use: S

Per approved plan: *

Use is not permitted:

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	TNZ	PO	CP-1	CP-2	CBD	CS	PI	AZ	PMIX
PRINCIPAL USES																			
<u>Medical Marijuana</u>																			
<u>Dispensary</u>													<u>C</u>			<u>C</u>	<u>C</u>		<u>C</u>
<u>Cultivation Facility</u>	<u>C</u>																	<u>C</u>	
<u>Testing Facility</u>																		<u>C</u>	
<u>Extraction Facility</u>																		<u>C</u>	

DIVISION II – USES PERMITTED WITH CONDITIONS**Section 6.395. – Medical Marijuana Facilities.**

- A. This section covers the following uses: Medical Marijuana Facilities, Medical Marijuana Dispensary, Medical Marijuana Cultivation Facility, Medical Marijuana Extraction Facility and Medical Marijuana Testing Facility.
- B. General Standards. All medical marijuana facilities shall comply with the following regulations, in addition to all other regulations imposed upon such facilities by federal, state or local law:
1. 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.
 2. Medical marijuana 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 violates the provisions of Chapter 16, Section 302.1.2 Commercial Odor.
 3. No medical marijuana facilities shall be located in a building that contains a residence, and no residences may be established or maintained in a medical marijuana facility.
 4. 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.
 5. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana facility.
 6. 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.
 7. If multiple licenses for medical marijuana facilities are issued for one lot, tract or parcel of property, then restrictions for the highest intensity use shall apply. The highest intensity use shall mean the

use that has the most restrictive regulations.

8. Buffer. No medical marijuana facility shall be sited, at the time of application for license or for local zoning approval, whichever is earlier, within one thousand (1,000) feet of any then-existing elementary or secondary school, child day-care center, or church. Measurements shall be made in a straight line, without regard to the presence of structures or rights-of-way within such straight line, using the distance requirements set forth below. The applicant shall be responsible for submitting a survey that is compliant with the America Land Title Association requirements, or other form of certified measurement that can be verified by City staff, to prove that the proposed facility and property meets the distance requirements set forth in this section.
 - i. In the case of a freestanding medical marijuana facility, the distance between the medical marijuana facility and the elementary or secondary school, daycare, or church shall be measured from
 1. the external wall of the structure that contains the medial marijuana facility that is in closest proximity to the elementary or secondary school, child day-care center or church, to
 2. the closest point of the property line of (a) the lot on which the elementary or secondary school, child day-care center or church is located, or (b) a lot that contains structures, improvements or accessory uses that are associated with an adjoining lot on which the elementary or secondary school, child day-care center or church is located.
 - ii. In the case of a medical marijuana facility that is part of a larger structure, such as an office building or strip mall or other structure that contains multiple tenants or uses, the distance between the medical marijuana facility and the elementary or secondary school, child day-care center, or church shall be measured from
 1. the closest point of the property line of (a) the lot on which the elementary or secondary school, child day-care center, or church is located or (b) a lot that contains structures, improvements or accessory uses that are associated with an adjoining lot on which the elementary or secondary school, child day-care center

or church is located, to

2. the medical marijuana facility pedestrian entrance or exit which is in closest proximity to the elementary or secondary school, child day-care center or church property.
- iii. If the medical marijuana facility and the elementary or secondary school, child day-care center, or church are separated by an interstate highway, a state highway or a physical obstacle that cannot be traversed by foot, then the one thousand (1000) foot measurement for the distance between the structures shall be made along the shortest legally available walking path between the medical marijuana facility pedestrian entrance or exit closest in proximity to the property line of (a) the lot on which the elementary or secondary school, child day-care center or church is located or (b) a lot that contains structures, improvements or accessory uses that are associated with an adjoining lot on which the elementary or secondary school, child day-care center or church is located.
9. All other City Codes requirements that are not inconsistent with the medical marijuana facility regulations of the UDO shall apply to all medical marijuana facilities.
10. All medical marijuana facilities shall be constructed and operated in compliance with the rules and regulations issued by the State of Missouri Department of Health and Senior Services.

Sec. 8.340. - CPTED uses specified.

The following uses have been classified as "Uses with Conditions" per Division 2 of Article 6 of this chapter, having been determined with a tendency toward an increased risk of crime. Specific conditions for such uses are found in Division 2 of Article 6 and shall be required to be met prior to receiving any zoning approval, business license or approval to occupy any commercial space:

- A. Bank/financial services;
- B. Bank drive-thru facility;
- C. Check cashing and payday loan business;
- D. Convenience store (C-Store);
- E. Financial services with drive-up window or drive-thru facility;
- F. Pawn shop;

- G. Title loan business, if performing on site cash transactions with \$500.00 or more in cash on hand;
- H. Unattended self-serve gas pumps;
- I. Unsecured loan business;
- J. Medical Marijuana Dispensary;
- K. Medical Marijuana Cultivation Facility;
- L. Medical Marijuana Testing Facility;
- M. Medical Marijuana Extraction Facility;
- N. Other similar uses shall meet the same standards as the above.

ARTICLE 15. – RULES OF INTERPRETATION AND DEFINITIONS
DIVISION II – DEFINITIONS

[Note: The following definitions are amended or added, as noted. All other definitions in Article 15, Division II which do appear below remain as codified and are unaffected by this amendment.]

Sec. 15.150. - Agricultural operation.

Agricultural operation shall mean use of land where such land is devoted to the production of plants, animals or horticultural products, including forests and forest products; harvest and management; dairy farming; grazing and pasturage; truck gardening; bee keeping; the raising of crops, fruit and nursery stock; fish farms; fur bearing animal farms; and the harvesting, processing, packaging, packing, shipping, marketing and selling of products produced on the premises; incidental farm occupations; and such uses as machinery, farm equipment, and domestic repair and construction. Agricultural operation shall not include commercial feed lots, slaughter houses, medical marijuana facilities or the removal of trees for the purpose of development or redevelopment or the removal of trees without replanting.

Sec. 15.980. - Day care facility.

Terms associated with day care facilities shall be defined as follows:

- A. Child day-care center. A “day care home,” “day care, group” or “day care center” as defined below in this Section which provides care for children.
- B. Day care home. A family home in which an unlicensed day care provider resides and provides family-like care for up to four persons not related to the day care provider, for any part of the 24-hour day, without overnight stays.
- B. Day care, group. A residential structure, occupied by a licensed day care provider who cares for five to ten persons not related to the day care provider for any part of a 24-hour day.
- C. Day care center. A building operated by a licensed day care provider that receives more than ten persons for care for any part of a 24-hour day, without overnight stays.

Sec. 15.1100. - Drive-up establishment.

Drive-up establishment shall mean a place of business that encourages customers to receive services or obtain goods, usually through a window or automated device, while remaining in their motor vehicle such as dry cleaners, banks, pharmacies grocery stores, etc. This definition does not apply to restaurants or package liquor establishments. Drive-up establishment shall not include medical marijuana facilities.

Sec. 15.1851. – Marijuana.

Marijuana shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which is *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.

Sec. 15.1852. – Marijuana-infused Products.

Marijuana-Infused Products shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which is 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.

Sec. 15.1853. – Marijuana-infused Products Manufacturing Facility.

Marijuana-Infused Products Manufacturing Facility shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which 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.

Sec. 15.1854. – Medical Marijuana.

Medical Marijuana means marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article 14, Section 1 of the Missouri State Constitution.

Sec. 15.1855. – Medical Marijuana Facility.

Medical Marijuana Facility shall mean a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility and medical marijuana testing facility, and any facility that contains one of these uses.

Sec. 15.1856. – Medical Marijuana Cultivation Facility.

Medical Marijuana Cultivation Facility shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which is a facility licensed by the department 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.

Sec. 15.1857. – Medical Marijuana Dispensary Facility.

Medical Marijuana Dispensary Facility shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which is a facility licensed by the department 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.

Sec. 15.1858. – Medical Marijuana Testing Facility.

Medical Marijuana Testing Facility shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which is a facility certified by the department [of health and senior services] to acquire, test, certify, and transport marijuana.

Sec. 15.2030. - Office.

Office shall mean the use of any building or premises primarily for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files, and communication equipment.

- A. Building contractor or construction firm office . An office primarily engaged in the provision of services relating to a building contractor or construction firm business.
- B. Business office, general . An office used primarily for the administrative or legal affairs of a company.
- C. Medical or dental office . An office occupied and maintained for the provision of services by a person licensed by the State of Missouri to practice in the healing arts for humans, such as a physician, surgeon, dentist, or optometrist. A medical office shall not include medical marijuana facilities.

- D. Professional office. An office occupied by a member of a recognized profession and maintained for the provision of professional services, such as but not limited to, a lawyer, architect, city planner, landscape architect, interior designer, accountant, financial planner, auditor, bookkeeper, real estate, brokerage for securities or commodities, secretarial services, or engineer.

Sec. 15.2490. - Research services.

Research services shall mean establishments primarily engaged in research of an industrial or scientific nature but excludes final product testing. Typical uses include electronics research laboratories, space research and development firms, medical laboratories, or pharmaceutical research labs. Research services shall not include medical marijuana facilities.

Sec. 15.1520. - Hospital.

Hospital shall mean an institution providing primary health service and medical and surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This shall include, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Hospital shall not include medical marijuana facilities.

Sec. 15.1610. - Laboratory.

Laboratory shall mean a building, or portion thereof, in which scientific, medical or dental research, investigation, testing or experimentation is conducted. Laboratory shall not include medical marijuana facilities.

Sec. 15.2670. - School.

- A. Elementary or secondary school shall have the meaning assigned to such term in Article 14, Section 1 of the Missouri Constitution, which is 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 (12th) grade, but does not include any private school in which education is primarily conducted in private homes.
- B. Personal enrichment school or tutoring. An establishment or place of business primarily engaged in the provision of services to individuals in a small classroom or one individual setting relating to the education or training of the individual for a specialized skill.
- C. School, private. A facility established for the purposes of education not associated with any public or governmental body. This definition shall include academies, colleges, day schools, and schools associated with religious institutions.
- D. School, public. A facility established by the State of Missouri, the Lee's Summit School District, or other governmental agency for the purposes of education.