Planning & Zoning Commission
Regular Meeting Agenda
City of Parkville, Missouri
Tuesday, October 8, 2019 @ 5:30 p.m.
City Hall Boardroom

1. Call to Order

2. Roll Call

3. General Business
   A. Approve the Agenda
   B. Approve the minutes from the September 10, 2019 regular meeting of the Planning & Zoning Commission
   C. Approve the minutes from the September 10, 2019 special workshop of the Planning & Zoning Commission

4. Unfinished Business
   A. None.

5. Public Hearing
   A. Request for text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to create provisions for medical marijuana facilities.

6. Regular Business
   A. Discussion of Development Plan Requirement Checklist for the Community Development Department.

7. Other Business
   A. Upcoming meetings & dates of importance:
      - Board of Aldermen Meetings: Tuesday, October 15, 2019 and November 5, 2019 at 7:00 p.m.
      - Board of Zoning Adjustment Meeting: Tuesday, October 22, 2019 at 5:30 p.m.
      - Planning & Zoning Commission Regular Meeting: Tuesday, November 12, 2019 at 5:30 p.m.

8. Adjournment
Minutes of the
Planning & Zoning Commission Special Meeting
City of Parkville, Missouri
Tuesday, September 10, 2019 at 5:30pm
City Hall Boardroom

1. **CALL TO ORDER**
   Chair Katerndahl called the meeting to order at 5:30 p.m.

2. **ROLL CALL**
   *Commissioners Present:*
   Dean Katerndahl, Chairman
   John Delich (absent)
   Walt Lane
   Barbara Wassmer
   Doug Krtek
   Kim Verhoeven (absent with notice)
   Michael Wright
   Allyson Berberich
   Michael Lee
   A quorum of the Planning & Zoning Commission was present.

   *Staff Present:*
   Stephen Lachky/Community Development Director
   Shakedra Knight/Community Development Assistant/Management Analyst
   Zack Martin/Community Development Intern

3. **GENERAL BUSINESS**
   A. **Approval of September 10, 2019 Planning & Zoning Commission regular meeting Agenda.**

      Chairman Katerndahl called for questions. Seeing none he called for a motion.

      **Commissioner Krtek moved to approve the agenda as presented, Commissioners Berberich seconded. Motion passed: 7-0.**

   B. **Approval of the minutes from the August 12, 2019 Planning & Zoning Commission special meeting.**

      Chairman Katerndahl called for questions. Seeing none he called for a motion.

      **Commissioner Wright moved to approve the August 12, 2019 meeting minutes as presented, Commissioner Krtek seconded. Motion passed: 7-0.**

4. **UNFINISHED BUSINESS**

   None.
5. **PUBLIC HEARING**

   A. None.

6. **REGULAR BUSINESS**

   A. Application for Major Site Plan for the Robert W. Plaster Free Enterprise Center at Park University in the City of Parkville, Platte County, Missouri. *Case # PZ19-07, Rick Kuhl, WSKF Architects, Inc., Applicant.*

   Director Lachky introduced Community Development Intern Zack Martin to present on the application. Intern Martin gave a detailed description of the proposed business center and illustrated the location on the map. Martin gave the history of the University’s 2013 Master Plan and amendments made since that included signage and the athletic field. He illustrated the proposed structure, reviewed the site plan and requirements and provided staff recommendation.

   Chairman Katerndahl called for questions from the Commission.

   Director Lachky explained the Planned Education Center (P-EC) zoning and the changes in the University Master Plan. It was noted that staff recommended that Park University updated their Campus Master Plan to reflect the changes.

   The Applicant and Chief Financial Officer of Park University, Brian Bode said that there was no plan for expansion and that no parking spaces were lost with the project. He said the University was working on a parking plan for faculty and students during construction.

   Discussion focused on the application process.

   Chairman Katerndahl called for additional questions. Seeing none he called for a motion. **Commissioner Lane motioned to approve an Application for Major Site Plan for the Robert W. Plaster Free Enterprise Center, a three-story educational facility located at the main entrance of Park University in Parkville, MO 64152, subjected to staff recommendations.**

   Commissioner Wright asked whether there was a timeline for Park University to update their Master Plan. Director Lachky said there was not. He explained that the functional use zone needed to reflect current conditions in the update and that staff would work with the University on a timeframe.

   Commissioner Wright motioned to approve an Application for Major Site Plan for the Robert W. Plaster Free Enterprise Center, a three-story educational facility located at the main entrance of Park University in Parkville, MO 64152, with an added condition that the Park University Master Plan is updated to reflect the changes within a period of one year. **Commissioner Wassmer seconded. MOTION PASSED: 7-0**
B. Discussion of Development Plan Requirement Checklist for the Community Development Department.

Chairman Katerndahl asked that staff document in reports whether the preliminary meeting was held.

Discussion focused on whether to proceed without Commissioner Delich.

Commissioner Krtek moved to table the item to the next meeting to allow input from Commissioner Delich. Commissioner Wright seconded. MOTION PASSED: 7-0

7. OTHER BUSINESS

A. Upcoming meetings & dates of importance:

   - Board of Aldermen Meetings: Tuesday, October 15, 2019 and November 5, 2019 at 7:00 p.m.
   - Board of Zoning Adjustment Meeting: Tuesday, October 22, 2019 at 5:30 p.m.
   - Planning & Zoning Commission Regular Meeting: Tuesday, November 12, 2019 at 5:30 p.m.

8. ADJOURNMENT

Chairman Katerndahl called further discussion. Seeing none he called for a motion to adjourn.

Commissioner Wright moved to adjourn, Commissioner Wassmer seconded. Motion passed: 7-0. Meeting adjourned at 6:06 p.m.

Submitted by:

_________________________________   10-8-19
Stephen Lachky                     Date
Community Development Director

_________________________________   10-8-19
Shakedra Knight                     Date
Management Analyst/Community Development Assistant
Minutes of the
Planning & Zoning Commission Special Workshop
City of Parkville, Missouri
Tuesday September 10, 2019
Immediately after the Special Meeting
of the Planning & Zoning Commission
City Hall Boardroom

1. CALL TO ORDER

Chairman Katerndahl called the meeting to order at 6:56 p.m.

Commissioners present
Dean Katerndahl, Chairman
John Delich (absent)
Walt Lane
Barbara Wassmer
Doug Krtek
Kim Verhoeven (absent with notice)
Michael Wright
Allyson Berberich
Michael Lee

Staff Present
Stephen Lachky/ Community Development Director
Zack Martin/Planning Intern
Shakedra Knight/ Community Development Assistant/Management Analyst

Note: This workshop was made open to the public and all interested parties were welcome to attend. All items were for discussion only. The Planning & Zoning Commission did not take any action on any workshop agenda item.

2. WORKING SESSION
   A. Residential Dwelling Rentals (RDR) presentation and discussion

Planning Intern Zack Martin presented on Residential Dwelling Rentals also known as Airbnb. He reviewed the baseline requirements provided by the American Planning Association and the state and local regulations. He reviewed cities in the region that have regulations and then provided options for regulation in Parkville.

Discussion focused on issues with enforcement and limiting the number of units allowed per block and neighborhood.

Director Lachky explained the reason for the presentation was to discuss options and get something on the books to regulate.
Discussion focused on Conditional Use Permits, Homeowners Associations covenants and Airbnb/VRBO requirements.

The Commissioners were comfortable with proceeding in regulating. Director Lachky will draft language to present to the Commission.

Chairman Katerndahl asked if there were any other questions. Seeing none, he adjourned the meeting.

3. **ADJOURN**

   The Special Workshop was adjourned at 6:35 p.m.

Submitted by:

_________________________  9-10-19  
Stephen Lachky, AICP  Date  
Community Development Director

_________________________  9-10-19  
Shakedra Knight  Date  
Community Development Assistant
Staff Analysis

Agenda Item: 5.A

Proposal:
Request for text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to create provisions for medical marijuana facilities.

Staff Recommendation: Postponement

Case No: PZ19-10

Applicant: City of Parkville

Pre-Application Conference Meeting: N/A; special workshop held following August 12, 2019 regular meeting of the Planning and Zoning Commission.

Exhibits:
A. This Staff Analysis
B. Application for Text Amendment
C. Medical Marijuana presentation (dated August 12, 2019; prepared by Padraic W. Corcoran, Williams & Campo, P.C.)
D. Parkville and Medical Marijuana Map
E. Proposed Text Amendment
   1. Section 402.010 Definitions
   2. Section 405.020 Districts & Uses, Table 405-2: Use Table
   3. Section 405.040 Standards Applicable to Specific Uses
F. Additional exhibits as may be presented during the meeting

By Reference:
   1. Section 402.010 Definitions
   2. Section 405.020 Districts & Uses
   3. Section 405.040 Standards Applicable to Specific Uses
B. Missouri Constitution Amendment 2, Medical Marijuana and Veteran Healthcare Services Initiative (ballot measure approved on November 6, 2018)
C. Article XVI, Section 1(1) Missouri Constitution
E. FAQ Review: Medical Marijuana in Missouri (by Padraic Corcoran)
F. Hearing notice published in The Platte County Citizen newspaper on September 11, 2019
G. Summary of Public Hearing posted on Parkville City webpage (http://parkvillemo.gov/public-hearings/)
Background
On November 6, 2018 the voters of the State of Missouri approved Amendment 2 to the Missouri Constitution which legalizes medical marijuana within the state. Amendment 2 makes the possession of marijuana — specifically medical marijuana — legal for qualifying patients and medical marijuana facilities. Generally, Amendment 2 permits doctors to recommend marijuana for medical purposes to patients with qualifying medical conditions and allows for the limited legal production, distribution, sale and purchase of marijuana for medical use (see Exhibit C by Reference). The federal government still considers marijuana to be a controlled substance.

On June 4, 2019 the Missouri Department of Health and Senior Services (DHSS) began accepting applications for licenses for medical marijuana facilities. This includes:

- **Licensed Facilities**
  - Medical Marijuana Cultivation Facility
  - Medical Marijuana-Infused Products Manufacturing Facility
  - Medical Marijuana Dispensary Facility
- **Certified Facilities**
  - Medical Marijuana Testing Facility
  - Transportation Facility

Overview
The sale of medical marijuana is subject to general local sales and uses taxes, but cities may not impose any additional taxes on the sale of marijuana for medical use. Amendment 2 imposes an additional 4 percent tax on the sale of medical marijuana to be deposited in the Missouri Veterans’ Health Care Fund. Cities may regulate the “time, place, and manner: of the operation of medical marijuana facilities,” as long as the regulations are not unduly burdensome on the operation of the medical marijuana facility. Also, Amendment 2 includes a requirement that a medical marijuana facility may not be initially located within 1,000 ft. of any then-existing elementary or secondary school, child daycare center, or church; however, this spacing requirement may be decreased if a city chooses.

Work Session
Following the August 12, 2019 special meeting of the Planning and Zoning Commission, a special workshop was held regarding medical marijuana in Missouri. A presentation was provided by Padraic Corcoran (Williams & Campo, P.C.; see Exhibit E) and discussion followed. Per the recommendation of the City’s legal counsel, prior to adopting medical marijuana rules & regulations for the City of Parkville, staff should first evaluate potential impacts by drawing spacing maps for existing elementary or secondary schools, child daycare centers, and churches; as well as for zoning districts that permit pharmacies, and zoning districts that that permit the production, processing, storages or distribution of goods with potential impacts beyond the site due to the types of activities (see Exhibit D).

Analysis and Comments
Staff researched municipalities throughout the State of Missouri which have already enacted ordinances pertaining to medical marijuana facilities. The table below lists zoning districts where different medical marijuana facilities are permitted. In general, most municipalities permit medical marijuana facilities in the following locations:

- **Cultivation Facilities** – Agricultural, industrial (light & heavy) and manufacturing districts
- **Dispensary Facilities** – Commercial (neighborhood & general), office, industrial (light & heavy) and manufacturing districts
- *Infused Products Manufacturing Facilities – Business, manufacturing and industrial districts
- Testing Facility – Business, office and industrial districts

<table>
<thead>
<tr>
<th>Missouri Municipality</th>
<th>Cultivation Facility</th>
<th>Dispensary Facility</th>
<th>*Infused Products Manufacturing Facility</th>
<th>Testing Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Columbia</td>
<td>“IG” Industrial General; “A” Agricultural</td>
<td>“M-C” Controlled Industrial “M-DT” Mixed Use-Downtown; “IG” Industrial General</td>
<td>“M-BP” Business/Industrial Park; “IG” Industrial</td>
<td>“M-C” Mixed Use-Corridor; “M-BP” Business/Industrial Park; “IG” Industrial</td>
</tr>
<tr>
<td>City of Kansas City</td>
<td>Agriculture, Crop Use</td>
<td>Retail Sales Use; Outdoor Retail Sales – Class A Use; Outdoor Retail Sales – Class B Use</td>
<td>Manufacturing Limited Use</td>
<td>Medical Office Use</td>
</tr>
<tr>
<td>City of North Kansas City</td>
<td>“M-1” Limited Industrial; “M-2” General Industrial</td>
<td>“M-1” Limited Industrial; “M-2” General Industrial; “C-3” General Business</td>
<td>“M-1” Limited Industrial; “M-2” General Industrial</td>
<td>“M-1” Limited Industrial; “M-2” General Industrial</td>
</tr>
<tr>
<td>City of Maryland Heights</td>
<td>“NU” Non-Urban; “M-1” Office, Service, and Light Manufacturing; “RD-M” Redevelopment -Manufacturing</td>
<td>“C-1” Neighborhood Commercial; “C-2” General Commercial; “M-1” Office, Service, and Light Manufacturing; “RD-M” Redevelopment -Manufacturing; “RDC” Redevelopment -Commercial; “RD-MXD” Redevelopment Mixed Use</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>City of Warrensburg</td>
<td>“LI” Light Industrial; “HI” Heavy Industrial</td>
<td>“BO” Business Office; “NB” Neighborhood Business; “CB” Central Business; “GB”</td>
<td>CB” Central Business; “GB” General Business; “LI” Light Industrial; “HI” Heavy Industrial</td>
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</tbody>
</table>
General Business; “LI” Light Industrial

*Note: Most municipalities group Medical Marijuana Transportation Facility with Medical Marijuana Infused Products Manufacturing Facility.

Staff also researched location requirements for medical marijuana facilities, as cities are allowed to reduce the spacing requirements of Amendment 2 if they choose; this includes reducing the buffer distance of 1,000 ft. from any then-existing elementary or secondary school, child daycare center, or church. The table below lists the municipalities' buffer distance requirements for specific medical marijuana facilities. In general, the spacing requirements are specific to the context/character of each municipality.

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>City of Columbia</td>
<td>1,000 ft. from schools, daycares and churches</td>
<td></td>
<td></td>
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<tr>
<td>City of Kansas City</td>
<td>750 ft. from schools; 300 ft. from daycares and churches</td>
<td>300 ft. from schools, daycares and churches</td>
<td>750 ft. from schools; 300 ft. from daycares and churches</td>
<td></td>
</tr>
<tr>
<td>City of North Kansas City</td>
<td>300 ft. from schools, daycares and churches</td>
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<td>City of Maryland Heights</td>
<td>1,000 ft. from schools, daycares and churches</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>City of Warrensburg</td>
<td>1,000 ft. from schools, daycares and churches; 500 ft. from another medical marijuana establishment; 250 ft. from a liquor establishment; 100 ft. from a residential zoning district and public park;</td>
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Other Considerations
Staff also researched additional regulations enacted by municipalities. In general, these included:

- **Hours of Operation** – Limiting hours of operation for Medical Marijuana Dispensary Facilities from 8:00 a.m. to 10:00 p.m.
- **Storage** – Requiring storage of material, products, or equipment to be within a fully enclosed building.
- **Onsite Usage** – No marijuana may be smoked, ingested or otherwise consumed on the premises of a medical marijuana facility.
- **Odor** – Requiring installation and operation of a ventilation system that will prevent any odor of marijuana from leaving the premises of a medical marijuana facility; specifically, no odors shall be detectable by a person with a normal sense of smell beyond the property lines of the subject property.
- **Measurements** – Requiring measurement buffers be made in a straight line — without regard to intervening structures — from the nearest point on the exterior building wall of a school, day care or church to the nearest point on the property line containing the medical marijuana facility.
Proposed Text Amendment
The City's legal counsel recommends amending Section 402.010 Definitions to include establishing definitions pertaining to medical marijuana. This includes definitions for Marijuana, Marijuana-Infused Products, Medical Marijuana Dispensary Facility, Medical Marijuana Cultivation Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility; and Transportation Facility (see Exhibit E.1).

As noted in Analysis and Comments section above, staff researched municipalities throughout the State of Missouri which have already enacted ordinances pertaining to medical marijuana facilities. In general, most municipalities permit medical marijuana facilities in the following locations:

- **Cultivation Facilities** – Agricultural, industrial (light & heavy) and manufacturing districts
- **Dispensary Facilities** – Commercial (neighborhood & general), office, industrial (light & heavy) and manufacturing districts
- **Infused Products Manufacturing Facilities** – Business, manufacturing and industrial districts
- **Testing Facility** – Business, office and industrial districts

Based on this information, staff has proposed a text amendment for Section 405.020 Districts & Uses, specifically Table 405-2: Use Table (see Exhibit E.2). The text amendment allows cultivation facilities in all industrial districts. The reasoning is because the City’s “I-1” Light Industrial, “I-2” Light Industrial, and “I-3” Heavy Industrial districts allow for uses most compatible to agricultural uses, which are often larger in terms of scale, and typically in more remote locations from potentially incompatible residential and commercial uses.

The text amendment allows dispensary facilities in all commercial districts and in all industrial districts. The reasoning is because the City’s "OTD" Old Town District, “TND” Traditional Neighborhood District, “B-1” Neighborhood Business District, “B-2” General Business District, “B-4-P” Planned Business District, and “BP” Business Park District permit retail uses (including the sale of goods and/or food and beverages directly to the consumer) most compatible to a pharmacy use; additionally, the industrial zoning allowances would not prohibit a dispensary from being co-located with a cultivation facility.

The text amendment also allows infused products manufacturing facilities, testing facilities, and transportation facilities in the City’s heavier commercial districts, including the "TND" Traditional Neighborhood District, “B-2” General Business District, “B-4-P” Planned Business District, “BP” Business Park District, and “U-1” Underground District, as well as in all industrial districts, as these districts allow for uses most compatible to heavier office, business and manufacturing uses.

Finally, staff has proposed a text amendment for Section 405.040 Standards Applicable to Specific Uses to define terms associated with daycare, elementary or secondary school, church, and then existing associated with medical marijuana facilities; as well as requirements pertaining to outdoor operations or storage, onsite usage, hours of operation, residential dwelling units, enclosures and ventilation. Staff does not recommend any specific distance requirement for the location of medical marijuana facilities in proximity to the existing locations of any elementary or secondary schools, child daycare centers, or churches; and will defer to the Planning and Zoning Commission for a recommendation on this matter.
Staff prepared a mapping exhibit to identify existing locations of any elementary or secondary schools, child daycare centers, or churches within the City or near its municipal limits (see Exhibit D). In addition, this exhibit includes a 1,000 ft. buffer distance around these uses in order for the Planning and Zoning Commission to analyze potential impacts with respect to commercial and industrial districts. Staff recommends the Planning and Zoning Commission utilize these maps to evaluate the proximity and compatibility of specific zoning districts to then-existing elementary or secondary schools, child daycare centers, or churches; as well as evaluate the compatibility of medical marijuana facilities with lighter commercial districts (i.e., “OTD” Old Town District, “B-1” Neighborhood Business District, “TND” Traditional Neighborhood District) and lighter industrial districts (e.g., “I-1” Light Industrial District).

**Staff Conclusion and Recommendation**

Staff recommends the Planning and Zoning Commission provide comments and questions to staff, postpone a recommendation for the text amendment to the November 5, 2019 regular meeting of the Planning and Zoning Commission, and in the meantime have staff work with the City’s legal counsel and gather further information for the Planning and Zoning Commission’s final recommendation for the proposed text amendment to Parkville Municipal Code, Title IV: Development Code, Section 402.010 Definitions, Section 405.020 Districts & Uses, and Section 405.040 Standards Applicable to Specific Uses, to create provisions for medical marijuana facilities. Consideration of a text amendment requires a public hearing. Required public hearing notices were published and no comments have been received as of the date of this staff analysis report. It should be noted that the recommendation contained in this report is made without knowledge of any facts and testimony which may be presented during the public hearing, and that the conclusions herein are subject to change as a result of any additional information that may be presented.

**Necessary Action**

Following consideration of the proposed text amendment, the factors discussed above and any testimony presented during the public hearing, the Planning and Zoning Commission must recommend approval (with or without conditions) or denial of the text amendment, unless otherwise postponed. Unless postponed, the Planning Commission’s action will be forwarded to the Board of Aldermen along with any explanation thereof for final action at their October 15, 2019 regular meeting.

End of Memorandum

10-03-19

Stephen Lachky, AICP, CFM
Community Development Director
Application for Text Amendment
Applicable to Chapters, Sections and Subsections within Parkville Municipal Code Title IV Development Code

1. Applicant / Contact Information

Applicant(s)
Name: Joe Parente
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: jparente@parkvillemo.gov

Primary Contact(s), if different from applicant(s)
Name: Stephen Lachky
Address: 8880 Clark Ave
City, State: Parkville, MO
Phone: (816) 741-7676 Fax: (816) 741-1300
E-mail: slachky@parkvillemo.gov

We, the undersigned, do hereby authorize the submittal of this application and associated documents and certify that all information contained therein is true and correct. We acknowledge that all text amendments are subject to statutory requirements and the Municipal Code of the City of Parkville. We do hereby agree to abide by and comply with the above-mentioned codes, and further understand that any violations from the provisions of such shall constitute cause for fines, punishments and revocation of approvals as applicable.

Applicant’s Signature (Required) __________________________ Date: 08/30/19

2. Proposed Text Amendment

The following information may be submitted on a separate sheet if necessary.

Amendment proposed to (Chapter, Section and Subsection number): Title IV: Development Code
Section / Subsection Title: Section 402.010 Definitions; Section 405.020 Districts & Uses; Section 405.040 Standards Applicable to Specific Uses
Existing text: N/A

Proposed text: See Attached

Reason for amendment:

On November 6, 2018 the voters of the State of Missouri approved Amendment 2 to the Missouri Constitution which legalizes medical marijuana within the state; and makes the possession of marijuana — specifically medical marijuana — legal for qualifying patients and medical marijuana facilities.

On June 4, 2019 the Missouri Department of Health and Senior Services (DHSS) began accepting applications of licenses for medical marijuana facilities including medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, medical marijuana dispensary facilities, medical marijuana testing facilities, and transportation facilities.
3. Potential benefits / effects

Generally, amendments are evaluated based on whether their benefit will likely outweigh any potential pitfalls, and their ability to implement community goals and objectives and improve the existing code. Describe below or on a separate sheet potential benefits and effects of the proposed amendment.

General benefits to property and residents in the City of Parkville (i.e., does the amendment make the code conform more closely with the City’s Master Plan; improve public health, safety or general welfare; clarify or better implement the intent of the Code; or other):

Medical marijuana is used to treat a number of conditions including Alzheimer’s disease, appetite loss, cancer, Crohn’s disease, epilepsy and other seizure disorders, glaucoma, nausea, and pain. The sale of medical marijuana is subject to general local sales and uses taxes, but cities may not impose any additional taxes on the sale of marijuana for medical use. Amendment 2 imposes an additional 4 percent tax on the sale of medical marijuana to be deposited in the Missouri Veterans’ Health Care Fund.

General effects to property and residents in the City of Parkville:

Cities may regulate the “time, place, and manner: of the operation of medical marijuana facilities as long as the regulations are not unduly burdensome on the operation of the medical marijuana facility. Also, Amendment 2 includes a requirement that a medical marijuana facility may not be initially located within 1,000 feet of any then-existing elementary or secondary school, child daycare center, or church; however, this spacing requirement may be decreased if a city chooses.

4. Checklist of required submittals

☑ Completed application, including all required details and supporting data.
☐ Nonrefundable application fee of $300.00. Separately, the applicant will be billed to recover costs for required publication notice per Parkville Municipal Code Title IV, Section 403.010, Subsection E.

For City Use Only

Application accepted as complete by: Stephen Lockly, Community Development Director Date 08/30/19

Name/Title

Application fee payment by N/A ☐ Check # ☐ M.O. ☐ Cash

Accepted by: Stephen Lockly, Community Development Director Date 08/30/19

Name/Title

☐ Hearing notice published in: _______________________ Date of publication: _______________________

☐ Final reimbursable costs paid (if applicable). Date of Action: _______________________

Planning Commission Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _______________________

Conditions if any: ________________________________________________________________

Board of Aldermen Action: ☐ Approved ☐ Approved with Conditions ☐ Denied Date of Action: _______________________

Conditions if any: ________________________________________________________________

Last modified June 2017
Medical Marijuana

Presented August 12, 2019 by Padraic W. Corcoran
Parkville Planning and Zoning Commission

PROVIDING LEGAL SOLUTIONS FOR LOCAL GOVERNMENTS
Today’s Roadmap

- General Overview of Amendment 2
- Medical Marijuana Facilities and Identification Cards
- Regulatory Authority of Cities under Amendment 2
Amendment 2 – General Overview

- Purpose of Amendment 2 is to allow for the cultivation, production, transportation, and administration of marijuana to qualifying patients and make changes to Missouri necessary to accomplish the stated purpose.

- **Timeline**
  - June 28, 2019 – DHSS began accepting applications for identification cards.
  - Aug. 3, 2019 – Facility applications will begin to be accepted.
  - December 31, 2019 – Deadline for approval of facility applications accepted on August 3, 2019.
Medical Marijuana Facilities

- **Licensed Facilities**
  - Medical Marijuana Cultivation Facility
  - Medical Marijuana-Infused Products Manufacturing Facility
  - Medical Marijuana Dispensary Facility

- **Certified Facilities**
  - Medical Marijuana Testing Facility
  - Transportation Facility
Cultivation Facility

- Facility licensed to “acquire, cultivate, process, store, transport, and sell marijuana” to other medical marijuana facilities. Art. XIV, section 1.2(7).

- 3 Types – Art. XIV, section 1.3(8).
  - **Indoor facility** - maximum of thirty thousand square feet of flowering plant canopy space
  - **Outdoor facility** – maximum of two thousand eight hundred flowering plants
  - **Greenhouse facility** – may choose to be limited by either of the above maximums

- Maximum of 60 licenses issued unless demand requires DHSS to increase the number of licenses.

- Odor control plan required.
Dispensary Facility

- Facility licensed to “acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana.” Art. XIV, section 1.2(8).
- 24 Dispensaries per United States congressional districts
- The limit may be increased if DHSS determines necessary to meet demand. 19 CSR 30-95.080(1)(A)
Infused Products Manufacturing Facility

- Facility licensed 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.” Art. XIV, section 1.2(7).

- Maximum of 86 licenses issued unless demand requires DHSS to increase the number of licenses. 19 CSR 30-95.060(1)(A)

- Odor control plan and air handling systems required.
Certified Facilities

- **Medical Marijuana Testing Facilities**
  - Facility certified by DHSS to “acquire, test, certify, and transport marijuana.” Art. XIV, section 1.2(10).
  - Maximum of 10 unless demands requires DHSS to increase the number of licenses.

- **Transportation Facility**
  - A facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility. 19 CSR 30-95.010(23).
  - Must transport medical marijuana from originating facility to destination facility within 24 hours. 19 CSR 30-95.100(2)(B)
  - No set limit on the number of licenses issued for transportation facilities.
Medical Marijuana Identification Cards

- Qualifying Patient Identification Card
- Qualifying Patient Cultivation Identification Card
- Primary Caregiver Identification Card
Qualifying Patient Identification Card

- Card issued to persons having a qualifying condition
- Qualifying conditions include:
  - cancer,
  - epilepsy,
  - glaucoma,
  - chronic medical conditions that cause severe, persistent pain,
  - and chronic medical conditions normally treated with prescription medication that could lead to dependence
  - Art. XIV, Section 1.2(15)
- Requires certification from physician “that, in the physician's professional opinion, the patient suffers from a qualifying medical condition.” Art. XIV, section 1.2(13).
- May purchase 4 ounces of dried, unprocessed marijuana in a 30-day period
- May possess, if they do not cultivate, a 60-day supply of dried, unprocessed marijuana
Qualifying Patient Cultivation Identification Card

- Card issued to qualifying patient, except for good cause, that allows for the home cultivation of six flowering marijuana plants for the exclusive use of that qualifying patient. Mo. Const. art. XIV, § 1.3(13)
- Additional cultivation limitations - 19 CSR 30-95.030(4)(B)
  - 1 Patient = 6 flowering plants, 6 nonflowering plants over 14 inches tall, and 6 clones under 14 inches
  - 2 Patients sharing one enclosed, locked facility = 12 flowering plants, 12 nonflowering plants over 14 inches tall, and 12 clones under 14 inches tall.
  - Primary caregiver + 1 patient + primary caregiver is a patient all using one enclosed, locked facility = 18 flowering plants, 18 nonflowering plants over 14 inches, and 18 clones under 14 inches tall.
Qualifying Patient Cultivation Identification Card cont...

- Enclosed, locked facility – 19 CSR 30-95.010(12)
  - Indoor Facility:
    - stationary closet, room, garage, greenhouse, or other comparable fully enclosed space
    - Equipped with locks or other functioning security devices
  - Outdoor Facility:
    - enclosed on all sides, except the base, by chain-link fencing, wooden slats or similar material
    - Anchored, attached, or affixed to the ground and cannot be accessed from the top
    - Plants may not be visible to the unaided eye from adjacent property when viewed at ground level or from a permanent structure at any level
    - Equipped with locks or other functioning security devices

- Must “immediately make available access to… cultivation facility upon request from [DHSS]” or the cultivation identification card will be revoked. 19 CSR 30-95.030(3)(B)(1)(G)
Primary Caregiver Identification Card

- Card for “individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.” Art. XIV, section 1.2(14).

- A primary caregiver may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient. Art. XIV, section 1.3(14)

- May not have more than 3 qualifying patients under their supervision. Art. XIV, section 1.7(6).
Amendment 2 – Zoning Provisions

- Cities may not expressly prohibit or effectively prohibit medical marijuana facilities. Art. XIV, section 1.7(11)
- Cities may regulate the “time, place, and manner” of the operation of medical marijuana facilities as long as the regulations are not “unduly burdensome on the operation” of the facility. Art. XIV, section 1.7(11)
- “Unless allowed by the city, medical marijuana facilities may not be originally located within 1,000 feet of a elementary or secondary school, child day care facility, or church.” Art XIV, section 1.7(11)
Zoning – Steps towards implementation

- **Step 1**: Draw spacing map
- **Step 2**: Zoning Classification
  - By Right in certain zoning districts?
  - Special/Conditional Use Permit?
- **Step 3**: Develop standards
  - Ventilation
  - Hours of operation
  - Site plan review
  - Security
Medical Marijuana

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PROVIDING LEGAL SOLUTIONS FOR LOCAL GOVERNMENTS
**Parkville & Medical Marijuana**

This map shows industrial and commercial zoning in the City of Parkville, in addition to facilities that serve as a school, daycare, or church, with a 1,000 foot buffer displaying where these buffers intersect with current zoning uses. This gives an idea of where marijuana based industrial and commercial spaces could operate within the City of Parkville.
**Section 402.010. Definitions**

A. **Defined Terms.** All terms used in these regulations shall have their commonly accepted meaning based upon the context of their use within this code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this Code.

*Marijuana. *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 does not include industrial hemp containing a crop-wide 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.

*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.

B. **Description of Uses.** This section contains general descriptions associated with the use of land and buildings organized by Categories and Types, and enabled by zoning districts in Table 405-2. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the Director shall make an interpretation on the most relatively equivalent described use considering (1) the similarity of the use in terms of scale, impact and operations to other described uses; (2) the typical building formats and site designs associated with the use from existing examples; and (3) the potential contribution of the use and typical formats to the intent of the zoning district. Any use that may not be interpreted as relatively equivalent to a use described in this Section or the Use Table are not anticipated by these regulations and may only be allowed by a Text Amendment.

**Retail**
The Retail category is the use of land and buildings for the sale of goods and/or food and beverages directly to the consumer, where these goods are available for immediate purchase or order, and where goods can be immediately removed from the premises, or immediately consumed on the premises by the purchaser, and where frequent interaction of patrons or consumers occurs on premises. The types of uses in this category are dependent on the size of gross leasable area per tenancy, where the smaller formats (Micro, Neighborhood or Small) are typically dependent on a target market of consumers within the neighborhood or 1-mile area, and where the larger formats (General, Large and Warehouse) are typically dependent on a target market beyond the 1 mile area.

*Medical Marijuana Dispensary Facility.* A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

**Industrial**
The Industrial category is the use of land and buildings engaged in the production, processing, storage or distribution of goods with potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations, and which in typical formats and operations may not be compatible with other business uses. It includes the following types:

*Medical Marijuana Cultivation Facility.* A facility licensed by the Missouri Department of Health and Senior Services, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.
*Medical Marijuana-Infused Products Manufacturing Facility.* A facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

*Medical Marijuana Testing Facility.* A facility certified by the Missouri Department of Health and Senior Services, to acquire, test, certify, and transport marijuana.

*Transportation Facility.* A facility licensed as such by the Missouri Department of Health and Senior Services in connection with the transportation and storage of medical marijuana.
### Exhibit E2

#### Table 405-2: Use Table

<table>
<thead>
<tr>
<th>Use Description</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-5</th>
<th>OTD</th>
<th>B-1</th>
<th>B-2</th>
<th>B-4</th>
<th>BP</th>
<th>P-EC</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>PLCD</th>
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<tr>
<td>Duplex</td>
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<tr>
<td>3-/4-plex</td>
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<tr>
<td>Row house (3 to 8 units; 2- to 3-story)</td>
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<tr>
<td>Walk-up apartment (3 to 12 units; 2- to 3-story)</td>
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<td>Apartment complex (garden apartment - density based)</td>
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<td>Mixed-use (residential above or behind street level commercial)</td>
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<td>Accessory dwelling</td>
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<tr>
<td><strong>Civic/Institutional Uses</strong></td>
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<td>Assembly — limited (under 250)</td>
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<td>Assembly — small (251 to 500)</td>
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<td>Assembly — large (501 to 1,000)</td>
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<tr>
<td>Assembly — event venue (1,000+)</td>
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<td>Education — neighborhood school (&lt;10 acres)</td>
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<td>Education — campus (&gt; 10 acres)</td>
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<tr>
<td>Education — extension</td>
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<tr>
<td>Library, museum or art gallery</td>
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<tr>
<td>Open/civic space (various types; see design standards Section 404.020)</td>
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<tr>
<td>Community and public service (post office, fire, police, rec center)</td>
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<td>P</td>
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<tr>
<td><strong>Retail</strong></td>
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<tr>
<td>*Medical marijuana — dispensary facility</td>
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*Blank = use not allowed*
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<td>limited (under 2,500 square feet)</td>
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<tr>
<td>Retail</td>
<td>small (2,500 to 8,000 square feet)</td>
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<td>Retail</td>
<td>general (8,000 to 50,000 square feet)</td>
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<td>large (50,000 to 100,000 square feet)</td>
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<tr>
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<td>warehouse (over 100,000 square feet)</td>
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<td>Retail</td>
<td>outdoor sales general</td>
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<tr>
<td>Restaurant</td>
<td>drive-in/drive-through</td>
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<tr>
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<td>bar/tavern</td>
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<td>Grocery</td>
<td>convenience/market (under 5,000 square feet)</td>
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<td>Grocery</td>
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<tr>
<td>Grocery</td>
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<td>Gas station</td>
<td>limited (4 pumps or fewer)</td>
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<tr>
<td>Gas station</td>
<td>general (5 to 16 pumps)</td>
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<tr>
<td>Gas station</td>
<td>large (more than 16 pumps)</td>
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<tr>
<td>Office</td>
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<td>Service</td>
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<td>Animal care or clinic</td>
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<td>Animal care or clinic</td>
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**Office/Service Uses**
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<td>— hotel/motel</td>
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<td><strong>Recreation</strong></td>
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<td>— outdoor, general</td>
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<td><strong>Residential care</strong></td>
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<td></td>
<td>— institutional living</td>
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<td><strong>Vehicle service/repair</strong></td>
<td>— limited</td>
<td>P</td>
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<td>— heavy</td>
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<td><strong>Industrial</strong></td>
<td>— artisan</td>
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<td><strong>Medical marijuana</strong></td>
<td>— cultivation facility</td>
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<td></td>
<td>— infused products manufacturing</td>
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<td></td>
<td>— testing facility</td>
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<td></td>
<td>— transportation facility</td>
<td>P</td>
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<tr>
<td><strong>Storage and warehousing</strong></td>
<td>— indoor, limited</td>
<td>P</td>
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<td>— indoor, general</td>
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<td>— outdoor</td>
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<td></td>
<td>— outdoor, junkyard</td>
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</table>

*Red indicates a limited area, *Yellow indicates a general area, *Green indicates a heavy area.
*Uses permitted in the “TND” Traditional Neighborhood District
405.040 Standards Applicable to Specific Uses

In addition to the general use and development standards applicable to all districts, the following standards are specific to particular uses. These standards shall be met whether the use is a generally permitted use or a conditional use according to Table 405-2. The uses in this section may involve more specific types or formats of the uses generally enabled in Table 405-2

J. Medical Marijuana. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be constructed, altered, or used without complying with the following regulations:

1. No new Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, day-care, or church. For purposes of this Section:
   a. A “daycare” means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the State of Missouri.
   b. A “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 (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
   c. A “church” means a permanent building primarily and regularly used as a place of religious worship.
   d. “Then existing” means any school, day-care, or church with a written building permit from the City to be constructed, or under construction, or completed and in use at the time the marijuana facility first applies for either zoning or a building permit, whichever comes first.

2. Outdoor Operations or Storage Prohibited. Unless licensed as an outdoor Medical Marijuana Cultivation Facility, all marijuana facilities’ operations and all storage of materials, products, or equipment shall be within a fully enclosed building.

3. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana facility.

4. Hours of Operation. All marijuana facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m., provided that, sales and distribution of Medical Marijuana or any other products sold to the public through a Medical Marijuana Dispensary may occur until Midnight on Friday and Saturday evenings.

5. Residential Dwelling Units Prohibited. No medical marijuana business shall be located in a building that contains a residence.

6. A Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, or Transportation Facility shall be entirely within an enclosed building.

7. Ventilation Required. All marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
City of Parkville, Missouri | Community of Development

Development Plan Requirement Checklist

1. Basic Information
   a. Name of the development
   b. Name, address, contact information of person or firm that prepared the plan
   c. Date plan was prepared, including any revision dates
   d. Graphic, engineering scale
   e. North arrow
   f. Vicinity map identifying boundaries and location of property in relation to City

2. Development Summary Table | Provided on site plan in chart format
   a. Existing zoning and proposed zoning if applicable
   b. Total land area in square feet and acres
   c. Proposed use or uses of each building and/or structure
   d. Height above grade of buildings and structures and number of stories of each building and/or structure
   e. Gross floor area per floor and total for each building/structure
   f. Residential buildings shall also include residential building type and total number of dwelling units. Residential development shall identify gross and net density
   g. Building coverage and floor area ratio
   h. Ratio of required number of parking spaces for each use and amount of proposed parking spaces

3. Plan Drawing
   a. Property lines and lot dimensions
   b. Proposed building footprint with lines
   c. Building(s) with dimensions and distance to property lines
   d. Existing and proposed rights-of-way improvements (curb/gutter/sidewalk/driveways, etc.) and easements
   e. All radii, acres, points of tangency, central angles and lengths of curves
   f. Existing and proposed topography, with major contour lines at intervals of 10 feet, and minor contour lines at an interval of 2 feet
   g. Indication of FEMA Special Flood Hazard Areas (SFHA) if applicable
   h. Location and identification of any proposed and any existing site features to be retained, including detention areas, retaining walls, and other pertinent site features
   i. Identification of proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, trash enclosures if applicable, outdoor storage and sales areas, and other paved areas

4. Parking and Circulation
   a. Location and dimensions of the widths of existing or proposed private vehicular access into the property from perimeter streets and location of existing or approved accesses on properties adjacent or opposite the property
   b. Location of proposed or existing parking spaces, aisles, and drives with setback dimensions from proposed streets right-of-way and adjacent property lines; typical
width and length of parking spaces; number of parking spaces per row; and width of parking and drive aisles

c. Illustration of AutoTURN vehicular movements for emergency vehicle access to development, specifically a Pierce Velocity fire truck (duel axle type w/ 110 ft. ladder)
d. Location of proposed trash enclosures if applicable
e. Identification of all public and private existing and proposed sidewalks, trails, bicycle facilities, and/or open space areas (Tracts A, B, C, etc.)
f. Indication of compliance with access and parking standards per City Code (Chapter 408)

5. Landscaping and Screening
   a. A plan for landscaping and screening
   b. A landscape schedule showing compliance with City Code (Chapter 407)

6. Other Requirements
   a. All survey monuments and benchmarks, together with their description
   b. Show windows and entrances
   c. Label all materials
   d. Show canopies and awnings if proposed
   e. Information regarding signage if proposed, in compliance with City Code (Chapter 409)