

**TENTATIVE AGENDA**  
**RAYTOWN BOARD OF ALDERMEN**  
**FEBRUARY 4, 2020**  
REGULAR SESSION NO. 19  
RAYTOWN CITY HALL  
10000 EAST 59<sup>TH</sup> STREET  
RAYTOWN, MISSOURI 64133  
7:00 P.M.

**OPENING SESSION**

Invocation/Pledge of Allegiance  
Roll Call

Public Comments  
Communication from the Mayor  
Communication from the City Administrator  
Committee Reports

**1. CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular January 21, 2020 Board of Aldermen meeting minutes.

**OLD BUSINESS**

2. Public Hearing: A public hearing to consider text amendments to Chapter 50 relating to the Land Use Table regarding Vehicle and Equipment Sales.
  - 2a. **SECOND READING: Bill No. 6538-20, Section XIII. AN ORDINANCE AMENDING CHAPTER 50 (ZONING), ARTICLE IV, ENTITLED DISTRICTS AND DISTRICT MAP OF THE RAYTOWN MUNICIPAL CODE OF THE CITY OF RAYTOWN, MISSOURI.** Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.
3. Public Hearing: A public hearing to consider text amendments to the Raytown Municipal Code regarding Alcoholic Beverages, Business and Business Regulations and Districts and District Map.
  - 3a. **FIRST READING: Bill No. 6542-20, Section XIII. AN ORDINANCE AMENDING CHAPTER 4, ENTITLED "ALCOHOLIC BEVERAGES", CHAPTER 10, ENTITLED "BUSINESS AND BUSINESS REGULATIONS", CHAPTER 50, ARTICLE I, ENTITLED "IN GENERAL", AND CHAPTER 50, ARTICLE IV, ENTITLED "DISTRICTS AND DISTRICT MAP", OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, MISSOURI.** Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

**NEW BUSINESS**

4. Public Hearing: A public hearing to consider a Conditional Use Permit for property located at 10012 E. 64<sup>th</sup> Street.
  - 4a. **FIRST READING: Bill No. 6543-20, Section XIII. AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR DMK DISTRIBUTORS TO OPERATE AN OFFICE/WAREHOUSE USE AT 10012 E. 64<sup>th</sup> STREET IN A NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI.** Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

5. **FIRST READING: Bill No. 6544-20, Section IX. AN ORDINANCE** AMENDING CHAPTER 6, ANIMALS, ARTICLE III, CARE AND CONTROL REGULATIONS OF THE RAYTOWN MUNICIPAL CODE. Point of Contact: Alderman Bill Van Buskirk.
6. **R-3272-20: A RESOLUTION** SUPPORTING THE MAYOR'S AD HOC EVENT COMMITTEE IN THEIR EFFORTS TO ORGANIZE A SUMMER CONCERT SERIES ON THE CITY'S GREENSPACE IN THE CENTRAL BUSINESS DISTRICT. Point of Contact: Dave Turner, Parks & Recreation.
7. **R-3273-20: A RESOLUTION** AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO REALLOCATE VARIOUS EXPENDITURES BETWEEN DESIGNATED FUNDS. Point of Contact: Russell Petry, Finance Director.

#### **DISCUSSION ITEM**

8. Aldermanic Sponsorships to Ordinances, Alderman Greg Walters

#### **ADJOURNMENT**

**TENTATIVE AGENDA  
RAYTOWN BOARD OF ALDERMEN  
JANUARY 21, 2020  
REGULAR SESSION NO. 18  
RAYTOWN CITY HALL  
10000 EAST 59<sup>TH</sup> STREET  
RAYTOWN, MISSOURI 64133  
7:00 P.M.**

**OPENING SESSION**

Mayor Michael McDonough called the January 21, 2020 Board of Aldermen meeting to order at 7:03 p.m. Dr. Bill Tenny-Brittian of Raytown Christian Church provided the invocation and led the pledge of allegiance.

**Roll Call**

Roll was called by Teresa Henry, City Clerk, and the attendance was as follows:

Present: Alderman Derek Ward, Alderman Bonnaye Mims, Alderman Bill Van Buskirk, Alderman Mary Jane Van Buskirk, Alderman Janet Emerson, Alderman Ryan Myers, Alderman Jason Greene, Alderman Jim Aziere, Alderman Frank Hunt, Alderman Greg Walters

**Public Comments**

Public comments were given by:

Mary Jane Van Buskirk, 7812 Woodson Road, Raytown, MO  
Tony Jacob, Raytown, MO

**Communication from the Mayor**

Mayor McDonough spoke on recent events and City business.

**Communication from the City Administrator**

Damon Hodges, City Administrator, provided an update on the City's current projects and plans.

**Committee Reports**

A comments were shared by Aldermen Mims, Walters, Bill Van Buskirk and Myers.

**1. CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine by the Board of Aldermen and will be enacted by one motion without separate discussion or debate. The Mayor or a member of the Board of Aldermen may request that any item be removed from the consent agenda. If there is no objection by the remaining members of the board, such item will be removed from the consent agenda and considered separately. If there is an objection, the item may only be removed by a motion and vote of the board.

Approval of the Regular January 7, 2020 Board of Aldermen meeting minutes.

Alderman Mary Jane Van Buskirk, seconded by Alderman Mims, made a motion to adopt. The motion was approved by a vote of 10-0.

Ayes: Aldermen Mary Jane Van Buskirk, Mims, Ward, Hunt, Bill Van Buskirk, Emerson, Myers, Greene, Aziere, Walters  
Nays: None

**OLD BUSINESS**

2. Public Hearing: A public hearing to consider amendments to Chapter 50 regarding Sign Regulations.

2a. **SECOND READING: Amended Bill No. 6537-20, Section XIII. AN ORDINANCE AMENDING CHAPTER 50 (ZONING), ARTICLE VIII, ENTITLED SIGN REGULATIONS, OF THE RAYTOWN MUNICIPAL CODE OF THE CITY OF RAYTOWN, MISSOURI.** Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

The public hearing continued.

The bill was read by title only by Teresa Henry, City Clerk.

Chris Gilbert, Planning & Zoning Coordinator, presented the item and remained available for any discussion.

The item was discussed.

Alderman Bill Van Buskirk, seconded by Alderman Emerson, made a motion to amend multiple parts of the ordinance.

The motion was discussed.

For clarity, Alderman Bill Van Buskirk separated the amendments into separate motions.

Alderman Bill Van Buskirk, seconded by Alderman Emerson, made a motion to amend 50-490 (g)(1) to read:

- (g) Electric changeable copy shall be allowed on signs subject to the following requirements:
- 1) Electric changeable message copy ~~may change no more than one time per minute and~~ shall not include any flashing, ~~flowing, scrolling,~~ alternating or blinking lights. Electronic message boards that include scrolling, flowing or delayed timing messages shall scroll, flow, or cycle through messages at a rate of speed determined by the Director of Community Development or designated representative to be appropriate of the specific sign location on a case by case basis. All sign permit applications for this sign type shall include detailed design information including scrolling, flowing or delayed timing rate of speed or cycling to assist in making this determination.

Discussion continued.

The motion to amend 50-490 (g)(1) was approved by a vote of 10-0.

Ayes: Aldermen Bill Van Buskirk, Emerson, Ward, Hunt, Mary Jane Van Buskirk, Myers, Greene, Aziere, Mims, Walters  
Nays: None

Alderman Bill Van Buskirk, seconded by Alderman Ward, made a motion to amend the sign size in 50-490 (n)(1)(a) and 50-490 (n)(2)(a)(2) to be six (6) square feet.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Bill Van Buskirk, Ward, Hunt, Greene, Emerson, Walters, Aziere, Myers, Mary Jane Van Buskirk, Mims  
Nays: None

Alderman Bill Van Buskirk, seconded by Alderman Ward, made a motion to amend 50-490 (n) be adding:

50-490 (n)(8) – Any temporary sign not already allowed by 50-490 (n) shall only be displayed upon approval of a temporary sign permit by the Director of Community Development or designated representative under the following criteria:

- a) Only applicable in commercial and manufacturing districts.
- b) Issuance of a temporary sign permit is subject to the requirements of section 50-489.
- c) A maximum of 1 temporary sign at a time is permitted per each separate entity on a property not to exceed 32 square feet in size.
- d) A temporary sign permit shall be valid for a maximum of 30 days renewable until a maximum of 120 days per calendar is attained for any one entity
- e) Not for profit organizations may submit applications to the City for permits to place temporary signs that are off-premise with the approval of the property owners upon whose land the sign will be displayed.

Discussion continued.

The motion was approved by a vote of 10-0.

Ayes: Alderman Bill Van Buskirk, Ward, Aziere, Mims, Greene, Mary Jane Van Buskirk, Myers, Walters, Hunt, Emerson  
Nays: None

Alderman Bill Van Buskirk, seconded by Alderman Greene, made a motion to amend 50-490 (n)(2)(a)(2) by striking the last sentence:

- 2) During an election season a property owner in a residential district may place up to one additional sign no larger than two (2) square feet for each race or issue on the ballot, ~~not to exceed a total of one sign per twenty five feet of road frontage for the property.~~

Discussion continued.

The motion as approved by a vote of 10-0.

Ayes: Aldermen Bill Van Buskirk, Greene, Hunt, Ward, Mims, Emerson, Aziere, Walters, Mary Jane Van Buskirk, Myers  
Nay: None

Aldermen Emerson, seconded by Alderman Aziere, made a motion to amend 50-489 (c) to add the following language after “the Director of Community Development”:

or the Director’s designated representative

The motion was approved by a vote of 10-0.

Ayes: Aldermen Emerson, Aziere, Myers, Walters, Mary Jane Van Buskirk, Greene, Hunt, Bill Van Buskirk, Ward, Mims  
Nays: None

Aldermen Emerson, seconded by Alderman Mims, made a motion to amend 50-490 (m) to read

within ~~ten~~ thirty days of notice

Discussion continued.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Emerson, Mims, Mary Jane Van Buskirk, Greene, Bill Van Buskirk, Myers, Aziere, Hunt, Walters, Ward  
Nays: None

Aldermen Emerson, seconded by Alderman Walters, made a motion to amend the last sentence of 50-490 (n)(2)(d)(2) to read:

such signs may be displayed beginning five (5) days prior to the day before the open house until two hours after the ending of the open house.

Discussion continued.

The motion was approved by a vote of 9-1.

Ayes: Aldermen Emerson, Walters, Mims, Hunt, Ward, Greene, Aziere, Myers, Mary Jane Van Buskirk  
Nays: Alderman Bill Van Buskirk

Aldermen Emerson, made a motion amend 50-490 (n)(3)(c) to read

c. Temporary signs shall not be painted on ~~or attached to~~ vehicles or trailers.

Discussion continued.

Alderman Emerson updated her motion to amend 50-490 (n)(3)(c) by striking the entirety of (c).

Alderman Ward seconded Alderman Emerson's motion.

Discussion continued.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Emerson, Ward, Aziere, Hunt, Mims, Bill Van Buskirk, Walters, Mary Jane Van Buskirk, Greene, Myers  
Nays: None

Alderman Emerson, seconded by Mary Jane Van Buskirk, made a motion to amend 50-490 (n)(3)(a) by adding

(a) Temporary signs shall not be located in the public right-of-way or on City owned parcels unless otherwise permitted.

Discussion continued.

The motion failed by a vote of 4-6.

Ayes: Aldermen Emerson, Mary Jane Van Buskirk, Mims, Hunt  
Nays: Aldermen Greene, Bill Van Buskirk, Walters, Aziere, Myers, Ward

Mayor McDonough called for public comments.

Discussion continued.

Mayor McDonough called for a short recess.

Mayor McDonough reconvened the meeting at 9:13 p.m.

Discussion continued.

Alderman Aziere read a statement into the record:

*I strongly support the work of the Quality Places Committee and the dozens of citizens who participated in creating our current design standards.*

*I also strongly support the recommendation of the Planning and Zoning Committee and their unanimous appeal not to reverse their work of the past.  
I am asking the other members of the board to do the same.*

Alderman Aziere, seconded by Alderman Myers, made a motion to amend by striking 50-496 (a)(2) in its entirety along with the related pole sign language in the use table.

Discussion continued.

The motion failed by a vote of 5-6.

Ayes: Aldermen Aziere, Myers, Mims, Hunt, Walters

Nays: Aldermen Greene, Bill Van Buskirk, Mary Jane Van Buskirk, Emerson, Ward, Mayor McDonough

Alderman Aziere, seconded by Alderman Ward, made a motion to amend 50-490 (n)(2)(a)(3) to limit signs under this subsection to a size of four by eight feet.

Discussion continued.

Alderman Aziere and Alderman Ward updated the motion to amend both 50-490 (n)(2)(a)(3) and 50-490 (n)(2)(b)(2) to limit signs under these subsections to a size of four by eight feet.

Discussion continued.

The public hearing was closed.

The motion as approved by a vote of 10-0.

Ayes: Aldermen Aziere, Ward, Emerson, Hunt, Mims, Bill Van Buskirk, Walters, Mary Jane Van Buskirk, Greene, Myers

Nays: None

Alderman Mims asked the Clerk to change her previous vote to be Nay.

Alderman Aziere called point of order, that changing a vote should require a revote.

Alderman Mims withdrew her request to change her previous vote to Nay.

Alderman Myers, seconded by Alderman Mims, made a motion to adopt as amended. The motion was approved by a vote of 9-1.

Ayes: Aldermen Myers, Mims, Hunt, Greene, Emerson, Bill Van Buskirk, Ward, Walters, Mary Jane Van Buskirk

Nays: Alderman Aziere

3. Public Hearing: A public hearing to consider text amendments to Chapter 50 relating to the Land Use Table regarding Vehicle and Equipment Sales.

3a. **SECOND READING: Bill No. 6538-20, Section XIII. AN ORDINANCE AMENDING CHAPTER 50 (ZONING), ARTICLE IV, ENTITLED DISTRICTS AND DISTRICT MAP OF THE RAYTOWN MUNICIPAL CODE OF THE CITY OF RAYTOWN, MISSOURI.** Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

The public hearing continued.

The bill was read by title only by Teresa Henry, City Clerk.

Chris Gilbert, Planning & Zoning Coordinator remained available for any discussion.

Alderman Bill Van Buskirk stated that he had ex parte communication related to this item.

Alderman Mims, seconded by Alderman Myers, made a motion to adopt.

The item was discussed.

Mayor McDonough closed the public hearing.

The motion failed by a vote of 5-6.

Ayes: Aldermen Mims, Myers, Aziere, Mary Jane Van Buskirk, Hunt

Nays: Aldermen Greene, Walters, Ward, Bill Van Buskirk, Emerson, Mayor McDonough

Alderman Bill Van Buskirk, seconded by Alderman Mary Jane Van Buskirk, made a motion to reconsider the vote on Bill No. 6538-20. The motion as approved by a vote of 8-2.

Ayes: Aldermen Bill Van Buskirk, Mary Jane Van Buskirk, Mims, Hunt, Emerson, Greene, Aziere, Myers

Nays: Aldermen Ward, Walters

4. **RECONSIDERED: Bill No. 6538-20, Section XIII. AN ORDINANCE** AMENDING CHAPTER 50 (ZONING), ARTICLE IV, ENTITLED DISTRICTS AND DISTRICT MAP OF THE RAYTOWN MUNICIPAL CODE OF THE CITY OF RAYTOWN, MISSOURI. Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

Alderman Bill Van Buskirk, seconded by Alderman Myers, made a motion to amend by striking Sec. 50-107 (b)(28)(d) in its entirety

Discussion continued.

Alderman Bill Van Buskirk and Alderman Myers withdrew their motion to amended Sec. 50-107 (b)(28)(d).

Alderman Bill Van Buskirk, seconded by Mary Jane Van Buskirk, made a motion to table to a date certain of February 4, 2020. The motion was approved by a vote of 8-2.

Ayes: Aldermen Bill Van Buskirk, Mary Jane Van Buskirk, Aziere, Greene, Walters, Ward, Hunt, Emerson

Nays: Aldermen Mims, Myers

Discussion continued.

5. **SECOND READING: Bill No. 6539-20, Section XIII. AN ORDINANCE** EXTENDING THE MORATORIUM ON THE ACCEPTANCE, PROCESSING AND ISSUANCE OF BUSINESS LICENSE APPLICATIONS, BUILDING PERMITS, OCCUPANCY PERMITS, PACKAGE LIQUOR LICENSES AND DEVELOPMENT APPROVAL APPLICATIONS FOR LIQUOR STORES, SMOKE SHOPS, AND CONVENIENCE STORES AND SIMILAR USES WITHIN NEIGHBORHOOD COMMERCIAL ZONED DISTRICTS WITHIN THE CITY OF RAYTOWN. Point of Contact: Missy Wilson, Assistant City Administrator.

The bill was read by title only by Teresa Henry, City Clerk.

Missy Wilson, Assistant City Administrator, remained available for any discussion.

Alderman Walters, seconded by Alderman Mary Jane Van Buskirk, made a motion to adopt. The motion was approved by a vote of 9-1.

Ayes: Aldermen Walters, Mary Jane Van Buskirk, Bill Van Buskirk, Hunt, Mims, Greene, Emerson, Aziere, Myers

Nays: Alderman Ward

6. **SECOND READING: Bill No. 6540-20, Section V-A. AN ORDINANCE** AUTHORIZING AND APPROVING A TRAFFIC ENGINEERING ASSISTANCE PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. Point of Contact: Jose Leon, Public Works Director.

The bill was read by title only by Teresa Henry, City Clerk.

Jose Leon, Public Works Director, presented the item along with Jason Hanson, City Engineer, and they remained available for any discussion.

Alderman Myers, seconded by Alderman Greene, made a motion to adopt.

The item was discussed.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Myers, Greene, Emerson, Walters, Mary Jane Van Buskirk, Hunt, Bill Van Buskirk, Aziere, Ward, Mims

Nays: None

7. **SECOND READING: Bill No. 6541-20, Section V-A. AN ORDINANCE** AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE JACKSON COUNTY BOARD OF ELECTION COMMISSIONERS TO UTILIZE CITY HALL AS A POLLING PLACE FOR THE 2020 CALENDAR YEAR. Point of Contact: Teresa Henry, City Clerk.

The bill was read by title only by Teresa Henry, City Clerk.

Teresa Henry, City Clerk, remained available for any discussion.

Alderman Mims, seconded by Alderman Aziere, made a motion to adopt.

The item was discussed.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Mims, Aziere, Mary Jane Van Buskirk, Greene, Bill Van Buskirk, Myers, Emerson, Hunt, Walters, Ward

Nays: None

### **NEW BUSINESS**

8. **R-3269-20: A RESOLUTION** AUTHORIZING AND APPROVING THE APPLICATION OF A GRANT REQUEST TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES LAND AND WATER CONSERVATION FUND IN THE AMOUNT OF \$187,500.00 TO FUND IMPROVEMENTS AND RENOVATIONS OF TENNIS COURTS AT C. LEE KENAGY PARK. Point of Contact: Dave Turner, Parks & Recreation Director.

The resolution was read by title only by Teresa Henry, City Clerk.

Alderman Greene, seconded by Aldermen Mims, made a motion to adopt.

Dave Turner, Parks & Recreation Director, presented the item and remained available for any discussion.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Greene, Mims, Hunt, Ward, Emerson, Bill Van Buskirk, Walters, Aziere, Myers, Mary Jane Van Buskirk

Nays: None

9. **R-3270-20: A RESOLUTION** REPEALING RESOLUTION R-3252-19 AND AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS WITH INFINITY SIGN SYSTEMS FOR A NEW MONUMENT SIGN AT CITY HALL IN AN AMOUNT NOT TO EXCEED \$47,145.00. Point of Contact: Janet Emerson, Alderman Ward 3.

The resolution was read by title only by Teresa Henry, City Clerk.

Alderman Emerson presented the item.

Alderman Emerson, seconded by Alderman Mary Jane Van Buskirk, made a motion to adopt.

Mayor McDonough called for a short recess.

Mayor McDonough reconvened the meeting at 10:46 p.m.

Discussion continued.

The motion failed by a vote of 4-6.

Ayes: Aldermen Emerson, Hunt, Mims, Myers

Nays: Aldermen Mary Jane Van Buskirk, Ward, Aziere, Bill Van Buskirk, Walters, Greene

Alderman Mims, seconded by Alderman Mary Jane Van Buskirk, made a motion to continue the meeting past 11:00 p.m.

There was discussion.

Alderman Walters stated that his discussion item could be continued to the February 4, 2020 meeting.

The motion was approved by a vote of 10-0.

Ayes: Aldermen Mims, Mary Jane Van Buskirk, Bill Van Buskirk, Hunt, Ward, Greene, Emerson, Aziere, Walters, Myers

Nays: None

10. **R-3271-20: A RESOLUTION** AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS AND THE CONTINUATION OF AN AGREEMENT WITH INDEPENDENT SALT CO. FOR THE PURCHASE OF SALT FOR THE PURPOSE OF TREATING ROADS AND BRIDGES IN INCLEMENT WEATHER IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR FISCAL YEAR 2019-2020. Point of Contact: Jose Leon, Public Works Director.

The resolution was read by title only by Teresa Henry, City Clerk.

Jose Leon, Public Works Director, presented the item and remained available for any discussion along with Jason Hanson, City Engineer.

Alderman Greene, seconded by Alderman Walters, made a motion to adopt. The motion was approved by a vote of 10-0.

Ayes: Aldermen Greene, Walters, Bill Van Buskirk, Hunt, Mary Jane Van Buskirk, Aziere, Mims, Emerson, Myers, Ward

Nays: None

## **ADJOURNMENT**

Alderman Mims, seconded by Alderman Mary Jane Van Buskirk, made a motion to adjourn. The motion was approved by a majority of those present.

The meeting adjourned at 11:10 p.m.

DRAFT

**CITY OF RAYTOWN**  
**Request for Board Action**

**Date:** January 30, 2019 **Bill No.:** 6538-20  
**To:** Mayor and Board of Aldermen **Section No.:** XIII  
**From:** Chris Gilbert, Planning & Zoning Coordinator

**Department Head Approval:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_ (only if funding is requested)

**City Administrator Approval:** \_\_\_\_\_

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**Action Requested:** Board of Aldermen approval to amend the Raytown MO Code of Ordinances Chapter 50, amending Article IV, Districts and District map.

**Recommendation:** Staff recommends approval as submitted.

**Analysis:** Over the past two decades, all but one of the new car dealers that used to call Raytown home have moved elsewhere. Over that same time period, a number of used vehicle sales businesses have closed as well. Recently, substantial renewed interest in opening used auto sales businesses in Raytown has occurred, particularly along 350 Highway, creating a situation where the City does not have adequate codes in place to prevent clustering of these businesses within close proximity to each other. Staff believes it is in the best interests of the residents of Raytown to propose new regulations that provide stronger controls on where any new or used vehicle sales can locate and how many are appropriate within the City.

Changes to Municipal Code Chapter 50, Article IV, Districts and District Map, regarding the Use Table

- Prohibition on vehicle sales as an accessory use to any primary use
- Separating Vehicle Sales, New or Used, and Equipment Sales in the Use Table and providing separate permitted or conditional allowances based upon zone
- Establishing a minimum distance separation between vehicle sales uses
- Establishing criteria for expansion of existing vehicle sales businesses
- Limiting total number of vehicle sales establishments city-wide

The proposed amendments will treat new and used vehicle sales the same, and additional tools will be available to accommodate a new car sales business, should one decide to locate here, and the City so desired to accommodate it, by using the P, Planned Development zone tool.

**Alternatives:** Do not update the Ordinance and leave it as it is. The increased interest in used auto sales has the potential to eventually lead to a number of negative effects on Raytown and its image as they proliferate. Controlling the number of, and separation between, such uses will help to mitigate any negative impacts of having too many such businesses, particularly when clustered together.

**Budgetary Impact:**

Not Applicable

**Additional Reports Attached:** Ordinance and Planning Commission Staff Report and Minutes

**AN ORDINANCE AMENDING CHAPTER 50 (ZONING), ARTICLE IV, ENTITLED DISTRICTS AND DISTRICT MAP OF THE RAYTOWN MUNICIPAL CODE OF THE CITY OF RAYTOWN, MISSOURI**

**WHEREAS**, application PZ-2019-14, submitted by the City of Raytown, proposes to amend Chapter 50 of the City of Raytown Zoning Ordinance contained in the Raytown Municipal Code relating to regulations governing vehicle sales that appeared before the Planning & Zoning Commission; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on January 2, 2020 and by a vote of 6 in favor and 0 against, recommended approval of the amendment to Chapter 50, Article IV, titled Districts and District Map, of the City of Raytown Zoning Ordinance contained in the Raytown Municipal Code; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Board of Aldermen held public hearings on January 7, 2020 and January 21, 2020 and rendered a decision to approve the amendments to Chapter 50 of the City of Raytown Zoning Ordinance contained in the Raytown Municipal Code.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:**

**SECTION 1 – APPROVAL OF AMENDMENTS.** That Chapter 50, Article IV, commonly known as “Districts and District Map”, is hereby amended as provided in Section 2.

**SECTION 2 – AMENDMENTS.** The following amendments as shown on Exhibit “A” and Exhibit “B” are hereby adopted.

**SECTION 3 – REPEAL OF ORDINANCES IN CONFLICT.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4 – SEVERABILITY CLAUSE.** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 5 – EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 4<sup>th</sup> day of February, 2020.

\_\_\_\_\_  
Michael McDonough, Mayor

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Teresa M. Henry, City Clerk

\_\_\_\_\_  
Jennifer M. Baird, City Attorney

## EXHIBIT A

### CHAPTER 50, ARTICLE IV. – DISTRICTS AND DISTRICT MAP

#### Sec. 50-107. – Land Use Table.

(a) *Generally.* The following land use table identifies uses that are either permitted by right, require approval of a conditional use permit or are not allowed in each of the applicable districts. Many of the uses are defined in [section 50-4](#). Any uses that are not defined in [section 50-4](#) shall be given their common meaning.

(1) *Permitted (allowed by right).* Uses identified in a zoning district column of the Use Table with a "P" are "permitted by-right" and shall be permitted in such zoning district, subject to such special use regulations as may be indicated in the "conditions" column and all other requirements of this article.

(2) *Conditional uses.* Uses identified in a zoning district column of the Use Table with a "C" are "conditional uses" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of article V of this chapter. Conditional uses shall be subject to such special regulations as may be specified in article V of this chapter and all other requirements of the city Code.

(3) *Not permitted.* Uses not identified in a zoning district column of the Use Table as permitted by-right or by conditional use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of the city Code.

(4) *Conditions.* A letter in the "conditions" column of the Land Use Table refers to standards applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in subsection (b) of this section.

(b) *Land use conditions.* The following standards shall apply to permitted, conditional and accessory uses:

(1) Single-household dwellings, excluding manufactured or mobile homes, shall have a permanent foundation.

(2) Dwellings used for small group living, shall be subject to the following requirements:

a. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.

b. No dwelling used for small group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

c. No traffic shall be generated by such group home between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such group home shall be met by off-street parking areas not located in a required front yard.

d. The dwelling shall meet all requirements of the city's adopted codes relating to the safety of occupants, including, but not limited to building and fire codes.

(3) Churches, chapels, mosques, synagogues and temples shall be located on a minimum of a one acre size lot, if located in accordance with at least one of the following:

a. On a lot having a sideline common to a public park, playground, or cemetery, or directly across a street from any one of combination of said uses.

b. On a corner lot having a minimum of 100 feet frontage on one side.

c. On a lot three sides of which adjoin streets.

(4) Golf courses shall be:

a. Used for daytime use only, including accessory clubhouses and related daytime driving ranges. This requirement shall not be applicable to independent golf driving ranges, pitch and putt or miniature golf courses.

b. Placed on lots greater than one acre.

(5) a. Residential accessory uses, including automobile parking areas, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business or industry, are permitted. Such accessory uses shall not include raising animals, with the exception that one horse per 40,000 square feet lot may be kept in a detached stable. Detached accessory structures should be at least five feet from any property line. Accessory buildings shall not exceed 720 square feet.

b. Accessory buildings and uses in the NC districts that are customarily incidental to the above permitted uses are allowed, provided there shall be no manufacture, processing or compounding of products other than such that are customarily incidental and essential to such permitted use. Accessory buildings and uses shall be constructed in a style and manner similar to the principal building or use.

c. In the HC district, accessory buildings and uses customarily incidental to the above uses if they are constructed in a style and manner similar and sympathetic to a principal building or use.

d. Land in the HC district that is adjacent to a district in which a single-household home is permitted, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level.

e. In the HC district, automobile sales and automobile service stations engaged in the sale of gasoline and oil, open display may be permitted of merchandise commonly sold by automobile service stations (e.g., oil, batteries, tires, wiper blades, etc.). No permanent open display will be permitted on sidewalks or public rights-of-way. Such display will be adequately screened from adjacent residential property.

f. In the Town Square Overlay District, no article or material stored or offered for sale shall be stored or displayed outside the confines of a building unless otherwise approved by the board of aldermen as part of a development plan or is otherwise permitted by a temporary permit governed by [section 50-15](#).

(6) Private swimming pools, if more than two feet deep, shall be subject to the following conditions and requirements:

a. They must be located behind the front building line and not less than ten feet from any rear or side lot line, and in the case of corner lots, not less than 15 feet from a side street line and at least 20 feet from a principal building on an adjoining lot.

b. If located in the side yard, they shall not be less than 40 feet from the front line and not less than 15 feet from the side lot line.

c. The area in which the pool is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure of a non-climbable variety at least four feet in height but less than six feet in height.

d. Such protective enclosures shall be provided with gates equipped with locks, which shall be locked when the pool is not attended.

e. Adequate pool drainage facilities shall be provided for which the plans and specifications shall be approved by the director of community development and public affairs or some other duly qualified individual.

(7) Home occupations shall be subject to the following use standards:

a. Said use shall be conducted solely within the confines of the main dwelling and shall not exceed 25 percent of the floor area.

b. Garages or carports, whether attached or detached, shall only be used for the storage of automobiles related to the home occupation.

c. All materials, equipment and samples associated with such home occupation shall be stored completely within the dwelling.

d. No alterations or additions shall be made to a dwelling or accessory structure for business or commercial purposes which will alter the residential appearance of such dwelling.

e. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation.

f. Permitted home occupations shall not include the employment of any persons not residing on the premises.

g. No traffic shall be generated by such home occupation between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking areas not located in a required front yard.

- h. The home occupation shall not cause the elimination of required off-street parking.
- i. No uses that create excessive illumination, noise, odor, dust, vibration, air pollution, water pollution or conflict with the use of adjacent property for residential uses are permitted.
- j. A family day care home may be operated as a home occupation, subject to the following conditions:
  - 1. The family day care must be operated by a person who resides in the single-family dwelling.
  - 2. Care is provided to no more than five children not related to the day care provider, at any one time.
  - 3. At least 500 square feet of contiguous, compact outside play area in the rear yard of the premises must be available for outside recreation of children.
  - 4. Play area must be enclosed with a fence at least 60 inches in height.
  - 5. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.
  - 6. Any body of water, natural or manmade, must be fenced and secured in accordance with this Code.
  - 7. No family day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.
- k. An adult day care may be operated as a home occupation, subject to the following conditions:
  - 1. The adult day care must be operated by a person who resides in the single-family dwelling.
  - 2. Care is provided for no more than five adults at any one time. An adult day care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three persons. The city may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
  - 3. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
  - 4. Rear yard must be enclosed with a fence at least 60 inches in height.
  - 5. An off-street, unobstructed, paved parking area for the pick up and drop off of adults must be provided.
  - 6. No adult day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.
- l. The following uses are specifically prohibited as home occupations:

1. Retail or wholesale sales;
2. Sales to the public on the premises not incidental thereto;
3. Equipment rental;
4. Sale of any parts;
5. Lawnmower, appliance equipment and machinery repair;
6. Automobile and other motor vehicle repair services and/or sales; and
7. Uses requiring the storage or use of highly flammable, toxic or other hazardous materials.

Specifically prohibited home occupations may receive a home occupancy accessory use permit from the board of zoning adjustment.

m. A home occupation permit shall be issued to the applicant, and the same shall not be transferable or assignable, nor shall it be contained on the subject property after the use shall have been discontinued or abandoned for a period of 60 days.

n. Home occupations established prior to the enactment of these regulations will continue to be subject to the zoning regulations in effect on the date that the home occupation was commenced. A home occupation permit subject to the provisions of these zoning regulations will be required after the discontinuance or abandonment of such a home occupation.

(8) Two-household condominium dwellings as long as they are provided with separate utility connections and are constructed with appropriate zero lot line coverage.

(9) A residential care facility or a dwelling used for large group living, subject to the following requirements:

- a. At least 500 square feet of contiguous, compact outside recreation area must be provided for every five residents.
- b. The recreation area must be fenced with a fence at least 60 inches in height.
- c. Parking. Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.
- d. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.
- e. No traffic shall be generated by residential care facilities or a dwelling used for large group living between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood.
- f. No dwelling used for large group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

g. No residential care facility may be located within 1,200 feet of another residential care facility, or a dwelling used for group living, large or small, as measured from the nearest property line to the nearest property line.

h. All other requirements of the R-3 district shall be met.

i. Any residential care facility or dwelling used for large group living must be licensed by the State of Missouri, if applicable.

j. In Districts R-1 and R-2, no more than 16 total residents shall be cared for at any one time.

k. In Districts R-1 and R-2, the applicant must demonstrate that the use will be consistent with the residential character of the neighborhood by presenting information regarding:

1. The number of residents.

2. The number of employees.

3. The number of additional vendors or service providers anticipated to visit the home each day, week, and month including but not limited to pharmacy deliveries, barbers, therapists, doctors, food deliveries, transportation of residents, and special activity providers.

4. The total number of vehicle trips to and from the home per day, including all of the above.

(10) Any such store or shop must not produce more noise, odor, dust, vibration, blasting or traffic than specifically permitted by these regulations and city policy.

(11) An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

(12) a. At least 500 square feet for every five children, of contiguous, compact outside play area must be provided for outside recreation of children.

b. The play area must be fenced with a fence at least 48 inches in height.

c. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

d. Any body of water, natural or man-made, must be fenced and secured in accordance with the Raytown Code of Ordinances.

(13) a. In the industrial district, the entire operation shall be conducted within a fire-rated building or buildings, completely enclosed by walls and roof except that loading docks, service areas and outdoor storage areas may be located outside of a building or buildings, in compliance with the terms of article III, division 7 of this chapter.

b. The activity shall create no noise in excess of that of normal daily traffic measured at the lot line of the premises.

c. The activity shall create no vibration for a period longer than three minutes in any one hour that is perceptible at the lot line of the premises.

d. The activity shall create no dust, dirt, odor or obnoxious gasses, heat and unscreened glare that is perceptible at the lot line of the premises.

e. The activity shall be free from fire hazards and excessive industrial wastes.

f. Each industrial area shall have its own system of streets so that the traffic generated by any industrial use shall flow directly onto a street within the area zoned for industry, hence to empty on any street bordering such area.

(14) All residential units shall be located on floors levels above the first story unless otherwise approved as part of a development plan by the board of aldermen.

(15) a. Adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters may be located in a commercial district (NC or HC) or industrial district (M) but not within 500 feet of any residential district with an R in its designation (R-1, R-2 or R-3).

b. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 1,000 feet of any other similar use.

c. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 500 feet of any school, religious institution or public park within the city.

d. The distance between any two adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters shall be measured in a straight line, without regard to intervening structures, from the closest exterior structure wall of each business.

e. The distance between any adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater and any religious institution, school, public park or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater to the closest property line of the religious institution, school, public park or the property zoned for residential use.

f. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be conducted in any manner that permits the observation of any material depicting, describing or relating to a specified sexual activities or a specified anatomical areas, as defined by these regulations, by display decoration, sign, show window or other opening from any exterior source.

(16) Reserved.

(17) The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land, and other physical facilities shall be reviewed and approved by the planning commission prior to the issuance of a building permit.

(18) a. Junk yard or salvage yard shall occupy a minimum lot size of ten acres.

b. All such uses shall be located at least 300 feet from a boundary line or 500 feet from a boundary line if the property adjoins land in districts Low Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3) and Elderly Housing Residential District (RE).

c. All such uses shall be completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be maintained so as to ensure maximum safety to the public, obscure the junk or salvage from normal view of the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.

d. No materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the fence or wall.

e. No hazardous or toxic materials shall be stored or handled in a junkyard or salvage yard unless they are located in such uses on a temporary basis not to exceed 90 days until other disposal can be arranged.

(19) a. The kennel shall occupy a minimum lot size of five acres.

b. No kennel building or runs shall be located nearer than 200 feet to any property line.

c. All kennel runs or open areas shall be screened completely from view around such areas or at the property lines to prevent the distraction or excitement of the animals.

d. All kennel runs shall be surrounded by a fence of at least eight feet in height.

e. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

f. All state licensing and operation requirements are met.

(20) Riding stable (private) shall not be located less than 100 feet from the front lot line or less than 30 feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each 40,000 square feet of lot area, provided however, there is a minimum lot size of two acres, and further provided, however, that when any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

(21) No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district with "R" in its title.

(22) Temporary uses. The following temporary uses of land are permitted in each district unless specifically restricted to particular districts and are subject to the regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted.

a. *Carnivals and circuses.* Permits for may be approved with conditions by the director of community development and public affairs. Such uses need not comply with the bulk or lot-size requirements, provided that structures or equipment that might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curb line of any two streets.

b. *Christmas tree sales.* Allowed in any business or industrial district for a period not to exceed 45 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided that no trees shall be placed in such a manner as to obstruct the vision of traffic within 30 feet of the intersection of the curb line of any two streets.

c. *Garage sales, yard sales and rummage sales.* Periodic conduct of what is commonly called garage or yard or rummage sales that do not exceed a period of more than five days or on more than four occasions during any calendar year.

(23) The annual production of beer by a craft brewery shall not exceed six million barrels.

(27) Permitted Accessory Uses shall not include Vehicle Sales. Any Vehicle Sales incidental to an existing commercial business of any type located in the Neighborhood Commercial, (NC), Highway Commercial (HC), or Manufacturing, (M), Zones, shall require an application for approval of a Conditional Use Permit. Such incidental vehicle sales, if approved by Conditional Use Permit, shall be approved for a specific limited number of vehicles to display at any one time and shall not be subject to the distance separation or number of businesses restrictions contained in Land Use Conditions Note (28).

(28) The following additional criteria shall apply to all Vehicle Sales, New or Used:

a. Such principal use shall not locate or expand an existing operation within 1,500 feet of any other property on which another principal Vehicle Sales, New or Used, business is located; however, the Planning commission and Board of Aldermen may give special consideration to expansion of an existing operation within 1,500 feet of another property with the same principal use if said expansion will improve the overall character of the neighborhood and not increase the overall number of Vehicle Sales businesses in the City. This shall only occur pursuant to approval of a Conditional Use Permit for the expansion.

b. The separation distance between two such uses shall be measured from the primary entrance of the first Vehicle Sales business, from or to the primary entrance of the second such business .

c. Separation distance provisions shall not apply to any Vehicle Sales, New or Used, business that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived, and they have operated continuously under the same business name since that time.

d. Notwithstanding any other provision to the contrary, no use permit or business license shall be issued for a Vehicle Sales, New or Used, business where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 5,000 residents, or fraction thereof, based on the last decennial census.

e. Spaces dedicated on a property for the placement of vehicles for sale shall be properly marked and provide adequate drive aisles to access all such marked spaces. These spaces shall in no way reduce the required number of parking spaces to be provided for customers, employees, or handicapped.

f. Appropriate signage be placed directly on each vehicle that is for sale that can easily be identified as marking such vehicle for that purpose. Such signage shall be placed on or inside the vehicle's windows and shall not consist of balloons, streamers, or other similar devices.

(Ord. No. 5498-14, § 2A—C, 7-15-2014; Ord. No. 5579-17, §§ 1, 2(Exh. A), 9-5-2017; Ord. No. 5575-17, § 1, 5-2-2017)

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Accessory uses	P	P	P	P	P	P	P		P		P	P			P	(6), (11),(27)
Adult Book Store												P			P	(15)
Adult Day Care	C	C	C		P				P			P			P	(12)
Adult Entertainment Establishment												P			P	(15)
Adult Mini-Motion Picture Theater												P			P	(15)
Adult Motion Picture Theater												P			P	(15)
Agriculture	P	P	P	P	P	P	P	P	P	P		P				
Airports and aviation fields including helicopter pads.							C									(11)
Amusement Parks					C		C									
Animal Care, General							P		P							(13)
Animal Care, Limited							P		P			P				(13)
Arenas					C		C									
Art Galleries					P	P			P			P				(5)
Assembly Rooms					C		C									
Athletic Fields					C		C									

USES	ZONING DISTRICTS														Conditions	
	Residential Districts				Nonresidential Districts						Overlay Districts					
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP		AE
Auction Facilities					C		C									
Auditorium or Stadium							P		P			P				(13)
Auditoriums																
Bakery, Retail					P	P			P							(10), (11)
Bed and breakfast homes with or without a related tearoom	C	C	C													
Boat Sales						C	C									
Camps								P	P			P				
Car Wash					C	C	C					P				(13)
Cemeteries, crematories and mausoleums	C	C	C	C	C	C	C	C								
Churches, chapels, mosques, synagogues, temples and other places of religious assembly	P	P	P	P	P	P	P		P			P			P	(3), (10), (11)
College or University							P		P			P				(13)

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Commercial and retail uses that are not permitted by district regulations					C	C	C	C								
Communications towers	C	C	C	C	C	C	C	C	C							(16)
Condominium dwelling containing more than two household condominium dwellings			C									P	P			(17)
Construction Sales and Service							P		P			P				(13)
Convenience Stores					P	P	P		P			P				(13)
Craft Brewery					C	P	P									
Cultural Service							P		P			P				(13)
Dance halls, discotheques, and night clubs					C	C										
Day care center					P				P			P				(12)

USES	ZONING DISTRICTS														Conditions	
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP		AE
Dormitories and fraternity or sorority houses		C	C													
Drive-In Theater						P			P			P				(11)
Drive-through restaurants					P	P										
Dwelling, Large group living	C	C	P		P				P			P				(9)
Dwelling, Small group living	P	P	P						P		P	P				(2)
Equipment Sales						C	P					P				
Exhibit hall					C		C									
Financial institutions					P	P										
Food/Bakery Product Manufacturing							P		P			P				
Fortune Tellers, palm readers, psychics, tarot card readers and similar uses						C										
Foster homes	P	P	P						P			P				

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Fraternal club, service club, private club and/or tavern	C	C	C	C	C	C	C	C								
Golf course	P	P	P				P		P			P			P	(4), (13)
Golf-driving, commercial or illuminated						C										
Government Uses, including but not limited to police station, fire station, emergency medical services	C	C	C	C	P	C	P		P			P			P	(13)
Group day care home					P				P			P			P	(12)
Group Home	<b>C</b>	<b>C</b>	<b>C</b>													
Health Club					<b>P</b>	<b>P</b>	P		P			P				(13)
Home occupations	P	P	P						P		P	P				(7)
Hospital						P	P		P			P			P	(11), (13)
Hotel or motel						P	P		P			P			P	(11), (13)
Junk yards or salvage yards							<b>C</b>									(18)
Kennels						C	<b>C</b>									(19)
Laundry						P			P			P			P	(11)

USES	ZONING DISTRICTS														Conditions	
	Residential Districts				Nonresidential Districts						Overlay Districts					
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP		AE
Laundry Service							P		P			P				(13)
Manufactured home without a permanent foundation				P					P			P				(13)
Manufacturing and Assembly							P		P			P				(13)
Mobile Homes				P					P			P				
Modular Home	P	P	P	P												
Mortuaries					P	P			P			P			P	(11)
Motorcycle sales and service						P			P			P			P	(11)
Multi-household buildings			P						P			P	P			
Multi-household dwellings (i.e., communes)	C	C	C	C	C	C	C									
Museums	C	C	C		P				P			P				
Nursery or Garden Center						P			P			P			P	(11)
Offices					P	P			P			P			P	(11)
Outdoor Gun Clubs						C										
Outdoor Storage Uses						C	C									
Parking Lot, Commercial							P		P			P				(13)

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Parks and Recreation- Public	P	P	P	P			P	P	P			P				(13)
Penal, reformatory or other correctional uses				C		C										
Pharmacy					P	P			P			P			P	(11)
Pitch and putt or miniature golf courses	P	P	P		C	C			P			P				
Pre-schools, nursery schools, children's day care or facilities of five persons but not more than ten persons	C	C	C													
Printing and Publishing					P	P	P		P			P				(13)
Private swimming pools	P	P	P						P			P				(6)

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Public and private resource recycling centers not involving any hazardous or toxic waste				C		C	C									
Race Tracks							C									
Recreation and Entertainment, Indoor					P	P	P		P			P				(13)
Repair Service					P		P		P			P				(13)
Research Service							P		P			P				(13)
Residential care facility	C	C	P		P				P			P			P	(9)
Residential or outpatient facilities for the treatment of alcohol or drug abuse	C	C	C	C	C	C	C	C								
Restaurants					P	P			P			P			P	(11)
Retail store or shop					P	P			P			P			P	(11)
Riding stable (private)					C		C									(20)
Riding stable and academy (public)					C		C									(21)

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Schools, private or parochial and non-profit	C	C	C	C	C	C	C	C								
Service stations					C	C										
Single-household dwellings	P	P	P						P		P	P				(1)
Studio, Television or Film							P		P			P				(14)
Swimming pools, public or commercial					C											
Tattoo parlors and body-piercing businesses					C	C										
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(22)
Transit Facility							P		P			P				(14)
Two-household condominium dwellings		P	P						P			P				(9), (15)
Two-household dwellings		P	P						P			P				(9), (15)
Utility, Minor							P		P			P				(14)

USES	ZONING DISTRICTS															Conditions
	Residential Districts				Nonresidential Districts							Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	
Vehicle and Equipment Rental					C	C	C									
Vehicle <del>and Equipment</del> Sales, New or Used						C	C					P				(28)
Vehicle Repair, General						C	P									
Vehicle Repair, Limited						C	P		P			P				(14)
Vehicle/Equipment Storage Yard						C	C									
Veterinary and small animal hospitals with outdoor containment						C	P									
Vocational School							P		P			P				(14)
Warehousing and Wholesale							P		P			P				(14)
Water towers	C	C	C	C	C	C	C	C								



# Staff Report

Community Development  
Planning and Development Services

## PZ 2019-14

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: January 2, 2020

Re: Zoning Ordinance Text Amendments Regarding Vehicle and Equipment Sales

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### VEHICLE SALES TEXT AMENDMENTS SUMMARY

Over the past two decades, all but one of the new car dealers that used to call Raytown home have moved elsewhere. Over that same time period, a number of used vehicle sales businesses have closed as well. Recently, substantial renewed interest in opening used auto sales businesses in Raytown has occurred, particularly along 350 Highway, creating a situation where the City does not have adequate codes in place to prevent clustering of these businesses within close proximity to each other. Staff believes it is in the best interests of the residents of Raytown to propose new regulations that provide stronger controls on where any new or used vehicle sales can locate and how many are appropriate within the City.

#### Changes to Municipal Code Chapter 50, Article IV, regarding the Use Table

- Prohibition on vehicle sales as an accessory use to any primary use
- Separating Vehicle Sales, New or Used, and Equipment Sales in the Use Table and providing separate permitted or conditional allowances based upon zone
- Establishing a minimum distance separation between vehicle sales uses
- Establishing criteria for expansion of existing vehicle sales businesses
- Limiting total number of vehicle sales establishments city-wide

The changes recommended at the November 21, 2019 meeting have been incorporated into the amendments attached to this staff report.

#### Attachments:

- Notice of Public Hearing
- Proposed Zoning Ordinance Text Amendments for Vehicle and Equipment Sales

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF JACKSON

} S.S.

Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **December 09, 2019** edition and ending with the **December 09, 2019** edition, for a total of 1 publications:

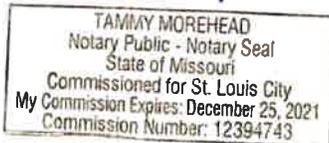
12/09/2019

*Lisa Fowler*

Lisa Fowler

Subscribed & sworn before me this 9<sup>th</sup> day of Dec, 2019  
(SEAL)

*Tammy Morehead*  
Notary Public



**Notice of Public Hearing**

The City of Raytown is in the process of amending part of Chapter 50, Article IV, of the Raytown Municipal Code, entitled "Districts and District Map", amending certain portions of the Land Use Table contained in Section 50-107, including placement of additional zoning regulations pertaining to vehicle sales, both new and used, with city-wide applicability.

A public hearing to consider these proposed new regulations will be held by the Raytown Planning & Zoning Commission at 7:00pm on Thursday, January 2, 2020. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, [www.raytown.mo.us](http://www.raytown.mo.us), on Friday, December 27, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described new regulations, tentatively scheduled for 7:00pm on Tuesday, January 7, 2020, and 7:00pm on Tuesday, January 21, 2020.

All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at [chrisg@raytown.mo.us](mailto:chrisg@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing

## CHAPTER 50, ARTICLE IV. – DISTRICTS AND DISTRICT MAP

### Sec. 50-107. – Land Use Table.

(a) *Generally.* The following land use table identifies uses that are either permitted by right, require approval of a conditional use permit or are not allowed in each of the applicable districts. Many of the uses are defined in [section 50-4](#). Any uses that are not defined in [section 50-4](#) shall be given their common meaning.

(1) *Permitted (allowed by right).* Uses identified in a zoning district column of the Use Table with a "P" are "permitted by-right" and shall be permitted in such zoning district, subject to such special use regulations as may be indicated in the "conditions" column and all other requirements of this article.

(2) *Conditional uses.* Uses identified in a zoning district column of the Use Table with a "C" are "conditional uses" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of article V of this chapter. Conditional uses shall be subject to such special regulations as may be specified in article V of this chapter and all other requirements of the city Code.

(3) *Not permitted.* Uses not identified in a zoning district column of the Use Table as permitted by-right or by conditional use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of the city Code.

(4) *Conditions.* A letter in the "conditions" column of the Land Use Table refers to standards applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in subsection (b) of this section.

(b) *Land use conditions.* The following standards shall apply to permitted, conditional and accessory uses:

(1) Single-household dwellings, excluding manufactured or mobile homes, shall have a permanent foundation.

(2) Dwellings used for small group living, shall be subject to the following requirements:

a. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.

b. No dwelling used for small group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

c. No traffic shall be generated by such group home between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such group home shall be met by off-street parking areas not located in a required front yard.

d. The dwelling shall meet all requirements of the city's adopted codes relating to the safety of occupants, including, but not limited to building and fire codes.

(3) Churches, chapels, mosques, synagogues and temples shall be located on a minimum of a one acre size lot, if located in accordance with at least one of the following:

a. On a lot having a sideline common to a public park, playground, or cemetery, or directly across a street from any one of combination of said uses.

b. On a corner lot having a minimum of 100 feet frontage on one side.

c. On a lot three sides of which adjoin streets.

(4) Golf courses shall be:

a. Used for daytime use only, including accessory clubhouses and related daytime driving ranges. This requirement shall not be applicable to independent golf driving ranges, pitch and putt or miniature golf courses.

b. Placed on lots greater than one acre.

(5) a. Residential accessory uses, including automobile parking areas, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business or industry, are permitted. Such accessory uses shall not include raising animals, with the exception that one horse per 40,000 square feet lot may be kept in a detached stable. Detached accessory structures should be at least five feet from any property line. Accessory buildings shall not exceed 720 square feet.

b. Accessory buildings and uses in the NC districts that are customarily incidental to the above permitted uses are allowed, provided there shall be no manufacture, processing or compounding of products other than such that are customarily incidental and essential to such permitted use. Accessory buildings and uses shall be constructed in a style and manner similar to the principal building or use.

c. In the HC district, accessory buildings and uses customarily incidental to the above uses if they are constructed in a style and manner similar and sympathetic to a principal building or use.

d. Land in the HC district that is adjacent to a district in which a single-household home is permitted, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level.

e. In the HC district, automobile sales and automobile service stations engaged in the sale of gasoline and oil, open display may be permitted of merchandise commonly sold by automobile service stations (e.g., oil, batteries, tires, wiper blades, etc.). No permanent open display will be permitted on sidewalks or public rights-of-way. Such display will be adequately screened from adjacent residential property.

f. In the Town Square Overlay District, no article or material stored or offered for sale shall be stored or displayed outside the confines of a building unless otherwise approved by the board of aldermen as part of a development plan or is otherwise permitted by a temporary permit governed by [section 50-15](#).

(6) Private swimming pools, if more than two feet deep, shall be subject to the following conditions and requirements:

a. They must be located behind the front building line and not less than ten feet from any rear or side lot line, and in the case of corner lots, not less than 15 feet from a side street line and at least 20 feet from a principal building on an adjoining lot.

b. If located in the side yard, they shall not be less than 40 feet from the front line and not less than 15 feet from the side lot line.

c. The area in which the pool is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure of a non-climbable variety at least four feet in height but less than six feet in height.

d. Such protective enclosures shall be provided with gates equipped with locks, which shall be locked when the pool is not attended.

e. Adequate pool drainage facilities shall be provided for which the plans and specifications shall be approved by the director of community development and public affairs or some other duly qualified individual.

(7) Home occupations shall be subject to the following use standards:

a. Said use shall be conducted solely within the confines of the main dwelling and shall not exceed 25 percent of the floor area.

b. Garages or carports, whether attached or detached, shall only be used for the storage of automobiles related to the home occupation.

c. All materials, equipment and samples associated with such home occupation shall be stored completely within the dwelling.

d. No alterations or additions shall be made to a dwelling or accessory structure for business or commercial purposes which will alter the residential appearance of such dwelling.

e. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation.

f. Permitted home occupations shall not include the employment of any persons not residing on the premises.

g. No traffic shall be generated by such home occupation between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking areas not located in a required front yard.

- h. The home occupation shall not cause the elimination of required off-street parking.
- i. No uses that create excessive illumination, noise, odor, dust, vibration, air pollution, water pollution or conflict with the use of adjacent property for residential uses are permitted.
- j. A family day care home may be operated as a home occupation, subject to the following conditions:
  - 1. The family day care must be operated by a person who resides in the single-family dwelling.
  - 2. Care is provided to no more than five children not related to the day care provider, at any one time.
  - 3. At least 500 square feet of contiguous, compact outside play area in the rear yard of the premises must be available for outside recreation of children.
  - 4. Play area must be enclosed with a fence at least 60 inches in height.
  - 5. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.
  - 6. Any body of water, natural or manmade, must be fenced and secured in accordance with this Code.
  - 7. No family day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.
- k. An adult day care may be operated as a home occupation, subject to the following conditions:
  - 1. The adult day care must be operated by a person who resides in the single-family dwelling.
  - 2. Care is provided for no more than five adults at any one time. An adult day care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three persons. The city may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
  - 3. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
  - 4. Rear yard must be enclosed with a fence at least 60 inches in height.
  - 5. An off-street, unobstructed, paved parking area for the pick up and drop off of adults must be provided.
  - 6. No adult day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.
- l. The following uses are specifically prohibited as home occupations:

1. Retail or wholesale sales;
2. Sales to the public on the premises not incidental thereto;
3. Equipment rental;
4. Sale of any parts;
5. Lawnmower, appliance equipment and machinery repair;
6. Automobile and other motor vehicle repair services and/or sales; and
7. Uses requiring the storage or use of highly flammable, toxic or other hazardous materials.

Specifically prohibited home occupations may receive a home occupancy accessory use permit from the board of zoning adjustment.

m. A home occupation permit shall be issued to the applicant, and the same shall not be transferable or assignable, nor shall it be contained on the subject property after the use shall have been discontinued or abandoned for a period of 60 days.

n. Home occupations established prior to the enactment of these regulations will continue to be subject to the zoning regulations in effect on the date that the home occupation was commenced. A home occupation permit subject to the provisions of these zoning regulations will be required after the discontinuance or abandonment of such a home occupation.

(8) Two-household condominium dwellings as long as they are provided with separate utility connections and are constructed with appropriate zero lot line coverage.

(9) A residential care facility or a dwelling used for large group living, subject to the following requirements:

- a. At least 500 square feet of contiguous, compact outside recreation area must be provided for every five residents.
- b. The recreation area must be fenced with a fence at least 60 inches in height.
- c. Parking. Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.
- d. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.
- e. No traffic shall be generated by residential care facilities or a dwelling used for large group living between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood.
- f. No dwelling used for large group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

g. No residential care facility may be located within 1,200 feet of another residential care facility, or a dwelling used for group living, large or small, as measured from the nearest property line to the nearest property line.

h. All other requirements of the R-3 district shall be met.

i. Any residential care facility or dwelling used for large group living must be licensed by the State of Missouri, if applicable.

j. In Districts R-1 and R-2, no more than 16 total residents shall be cared for at any one time.

k. In Districts R-1 and R-2, the applicant must demonstrate that the use will be consistent with the residential character of the neighborhood by presenting information regarding:

1. The number of residents.
2. The number of employees.
3. The number of additional vendors or service providers anticipated to visit the home each day, week, and month including but not limited to pharmacy deliveries, barbers, therapists, doctors, food deliveries, transportation of residents, and special activity providers.
4. The total number of vehicle trips to and from the home per day, including all of the above.

(10) Any such store or shop must not produce more noise, odor, dust, vibration, blasting or traffic than specifically permitted by these regulations and city policy.

(11) An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

(12) a. At least 500 square feet for every five children, of contiguous, compact outside play area must be provided for outside recreation of children.

b. The play area must be fenced with a fence at least 48 inches in height.

c. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

d. Any body of water, natural or man-made, must be fenced and secured in accordance with the Raytown Code of Ordinances.

(13) a. In the industrial district, the entire operation shall be conducted within a fire-rated building or buildings, completely enclosed by walls and roof except that loading docks, service areas and outdoor storage areas may be located outside of a building or buildings, in compliance with the terms of article III, division 7 of this chapter.

b. The activity shall create no noise in excess of that of normal daily traffic measured at the lot line of the premises.

c. The activity shall create no vibration for a period longer than three minutes in any one hour that is perceptible at the lot line of the premises.

- d. The activity shall create no dust, dirt, odor or obnoxious gasses, heat and unscreened glare that is perceptible at the lot line of the premises.
- e. The activity shall be free from fire hazards and excessive industrial wastes.
- f. Each industrial area shall have its own system of streets so that the traffic generated by any industrial use shall flow directly onto a street within the area zoned for industry, hence to empty on any street bordering such area.

(14) All residential units shall be located on floors levels above the first story unless otherwise approved as part of a development plan by the board of aldermen.

(15) a. Adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters may be located in a commercial district (NC or HC) or industrial district (M) but not within 500 feet of any residential district with an R in its designation (R-1, R-2 or R-3).

b. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 1,000 feet of any other similar use.

c. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 500 feet of any school, religious institution or public park within the city.

d. The distance between any two adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters shall be measured in a straight line, without regard to intervening structures, from the closest exterior structure wall of each business.

e. The distance between any adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater and any religious institution, school, public park or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater to the closest property line of the religious institution, school, public park or the property zoned for residential use.

f. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be conducted in any manner that permits the observation of any material depicting, describing or relating to a specified sexual activities or a specified anatomical areas, as defined by these regulations, by display decoration, sign, show window or other opening from any exterior source.

(16) Reserved.

(17) The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land, and other physical facilities shall be reviewed and approved by the planning commission prior to the issuance of a building permit.

(18) a. Junk yard or salvage yard shall occupy a minimum lot size of ten acres.

b. All such uses shall be located at least 300 feet from a boundary line or 500 feet from a boundary line if the property adjoins land in districts Low Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3) and Elderly Housing Residential District (RE).

c. All such uses shall be completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be maintained so as to ensure maximum safety to the public, obscure the junk or salvage from normal view of the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.

d. No materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the fence or wall.

e. No hazardous or toxic materials shall be stored or handled in a junkyard or salvage yard unless they are located in such uses on a temporary basis not to exceed 90 days until other disposal can be arranged.

(19) a. The kennel shall occupy a minimum lot size of five acres.

b. No kennel building or runs shall be located nearer than 200 feet to any property line.

c. All kennel runs or open areas shall be screened completely from view around such areas or at the property lines to prevent the distraction or excitement of the animals.

d. All kennel runs shall be surrounded by a fence of at least eight feet in height.

e. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

f. All state licensing and operation requirements are met.

(20) Riding stable (private) shall not be located less than 100 feet from the front lot line or less than 30 feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each 40,000 square feet of lot area, provided however, there is a minimum lot size of two acres, and further provided, however, that when any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

(21) No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district with "R" in its title.

(22) Temporary uses. The following temporary uses of land are permitted in each district unless specifically restricted to particular districts and are subject to the regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted.

a. *Carnivals and circuses.* Permits for may be approved with conditions by the director of community development and public affairs. Such uses need not comply with the bulk or lot-size requirements, provided that structures or equipment that might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curb line of any two streets.

b. *Christmas tree sales.* Allowed in any business or industrial district for a period not to exceed 45 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided that no trees shall be placed in such a manner as to obstruct the vision of traffic within 30 feet of the intersection of the curb line of any two streets.

c. *Garage sales, yard sales and rummage sales.* Periodic conduct of what is commonly called garage or yard or rummage sales that do not exceed a period of more than five days or on more than four occasions during any calendar year.

(23) The annual production of beer by a craft brewery shall not exceed six million barrels.

(27) Permitted Accessory Uses shall not include Vehicle Sales. Any Vehicle Sales incidental to an existing commercial business of any type located in the Neighborhood Commercial, (NC), Highway Commercial (HC), or Manufacturing, (M), Zones, shall require an application for approval of a Conditional Use Permit. Such incidental vehicle sales, if approved by Conditional Use Permit, shall be approved for a specific limited number of vehicles to display at any one time and shall not be subject to the distance separation or number of businesses restrictions contained in Land Use Conditions Note (28).

(28) The following additional criteria shall apply to all Vehicle Sales, New or Used:

a. Such principal use shall not locate or expand an existing operation within 1,500 feet of any other property on which another principal Vehicle Sales, New or Used, business is located; however, the Planning commission and Board of Aldermen may give special consideration to expansion of an existing operation within 1,500 feet of another property with the same principal use if said expansion will improve the overall character of the neighborhood and not increase the overall number of Vehicle Sales businesses in the City. This shall only occur pursuant to approval of a Conditional Use Permit for the expansion.

b. The separation distance between two such uses shall be measured from the primary entrance of the first Vehicle Sales business, from or to the primary entrance of the second such business .

c. Separation distance provisions shall not apply to any Vehicle Sales, New or Used, business that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived, and they have operated continuously under the same business name since that time.

d. Notwithstanding any other provision to the contrary, no use permit or business license shall be issued for a Vehicle Sales, New or Used, business where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 5,000 residents, or fraction thereof, based on the last decennial census.

e. Spaces dedicated on a property for the placement of vehicles for sale shall be properly marked and provide adequate drive aisles to access all such marked spaces. These spaces shall in no way reduce the required number of parking spaces to be provided for customers, employees, or handicapped.

f. Appropriate signage be placed directly on each vehicle that is for sale that can easily be identified as marking such vehicle for that purpose. Such signage shall be placed on or inside the vehicle's windows and shall not consist of balloons, streamers, or other similar devices.

(Ord. No. 5498-14, § 2A—C, 7-15-2014; Ord. No. 5579-17, §§ 1, 2(Exh. A), 9-5-2017; Ord. No. 5575-17, § 1, 5-2-2017)





**ZONING DISTRICTS**

USES	ZONING DISTRICTS														Conditions		
	Residential Districts					Nonresidential Districts					Overlay Districts						
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP		AE	
Commercial and retail uses that are not permitted by district regulations					C	C	C	C									
Communications towers	C	C	C	C	C	C	C	C									(16)
Condominium dwelling containing more than two household condominium dwellings			C									P	P				(17)
Construction Sales and Service											P						(13)
Convenience Stores						P	P	P									(13)
Craft Brewery																	
Cultural Service							P	P									(13)
Dance halls, discotheques, and night clubs					C	C											
Day care center					P											P	(12)

USES	ZONING DISTRICTS															Conditions	
	Residential Districts					Nonresidential Districts					Overlay Districts						
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE		
Dormitories and fraternity or sorority houses		C	C														
Drive-In Theater						P		P				P					(11)
Drive-through restaurants					P	P											
Dwelling, Large group living	C	C	P		P			P				P					(9)
Dwelling, Small group living	P	P	P					P				P					(2)
Equipment Sales						C	P					P					
Exhibit hall					C					C							
Financial institutions					P	P											
Food/Bakery Product Manufacturing							P					P					
Fortune Tellers, palm readers, psychics, tarot card readers and similar uses						C											
Foster homes	P	P	P									P					



USES	ZONING DISTRICTS																	Conditions
	Residential Districts						Nonresidential Districts						Overlay Districts					
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE			
Laundry Service							P		P								(13)	
Manufactured home without a permanent foundation				P					P								(13)	
Manufacturing and Assembly							P		P								(13)	
Mobile Homes				P					P									
Modular Home	P	P	P	P														
Mortuaries					P	P			P								(11)	
Motorcycle sales and service						P			P								(11)	
Multi-household buildings			P						P				P					
Multi-household dwellings (i.e., communes)	C	C	C	C	C	C	C											
Museums	C	C	C		P				P				P					
Nursery or Garden Center						P			P				P				(11)	
Offices					P	P			P				P				(11)	
Outdoor Gun Clubs						C												
Outdoor Storage Uses						C												
Parking Lot, Commercial							P		P				P				(13)	





USES	ZONING DISTRICTS																Conditions
	Residential Districts					Nonresidential Districts					Overlay Districts						
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE		
Schools, private or parochial and non-profit	C	C	C	C	C	C	C	C									
Service stations					C	C											
Single-household dwellings	P	P	P					P				P					(1)
Studio, Television or Film							P	P				P					(14)
Swimming pools, public or commercial					C												
Tattoo parlors and body-piercing businesses					C												
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(22)
Transit Facility							P	P				P					(14)
Two-household condominium dwellings		P	P					P				P					(9), (15)
Two-household dwellings		P	P					P				P					(9), (15)
Utility, Minor							P	P				P					(14)



**CITY OF RAYTOWN  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MINUTES**

**January 2, 2019  
7:00 pm**

**Raytown City Hall  
Board of Aldermen Chambers  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133**

**1. Welcome by Chairperson**

**2. Call meeting to order and Roll Call**

Wilson:	Present	Thurman:	Present	Emerson:	Present
Bettis:	Absent	Robinson:	Present	Frazier:	Present
Stock:	Absent	Dwight:	Present		

**3. Approval of Minutes: Minutes of November 21, 2019, approved 6-0 as amended to reflect Thurman present upon motion by Emerson and second by Frazier.**

**4. New Business**

**A. Case No.: PZ 2020-01:** Public Hearing to Consider a Conditional Use Permit Application Filed by David Hull of DMK Distributors to Operate an Office/Warehouse Use at 10012 E. 64<sup>th</sup> Street

**1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney. David Hull was present as the applicant.

**2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

**3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

#### **4. Introduction of Application by Staff**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report. Planning Commission discussion on the application with some questions for staff.

#### **5. Presentation of Application by Applicant.**

Mr. David Hull addressed the Planning Commission with a description of why he is needing this Conditional Use Permit and how he is utilizing the building.

#### **6. Request for Public Comment by Chairman.**

Richard Jones, a neighboring business owner of Henry's Automotive, spoke on behalf of the applicant, stating he was in support of the application.

#### **7. Additional Staff Comments and Recommendation.**

Chris Gilbert provided the staff recommendation to approve the application with a number of conditions attached that were entered into the record. The applicant agreed to the conditions.

#### **8. Commission Discussion.**

Planning Commission discussion on the application with some questions for staff.

#### **9. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Ms. Emerson moved and Mr. Frazier seconded a motion to recommend approval of the Conditional Use Permit application. Vote passed 6-0.

### **B. Case No.: PZ 2019-13: City-Initiated Application to Amend Municipal Code Chapter 50, Article VIII, "Sign Regulations".**

#### **1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney.

#### **2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

#### **3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

**4. Staff Presentation of proposed Text Amendments.**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report on proposed changes to the City's Sign Code and the staff recommendation. Planning Commission discussion with questions for staff. Jennifer Baird, City Attorney, gave presentation on proposed legal changes to sign code to comply with recent court rulings.

**5. Request for Public Comment by Chairman.**

No members of the public were present to provide comment.

**6. Commission Discussion.**

Planning Commission discussion with questions for staff.

**7. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Mr. Robinson moved and Ms. Dwight seconded a motion to recommend approval as recommended in the staff report. Motion passed 6-0.

**C. Case No.: PZ 2019-14: City-Initiated Application to Amend Municipal Code Chapter 50, Article IV, "Districts and District Map".**

**1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney.

**2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

**3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

**4. Staff Presentation of proposed Text Amendments.**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report on proposed amendments to Zoning Ordinance Use Table regarding vehicle and equipment sales and the recommendation. Planning Commission discussion with questions for staff.

**5. Request for Public Comment by Chairman.**

No members of the public were present to provide comment.

**6. Commission Discussion.**

Planning Commission discussion with questions for staff.

**7. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Mr. Frazier moved and Mr. Robinson seconded to recommend approval as recommended in the staff report. Motion passed 6-0.

**D. Case No.: PZ 2019-12: City-Initiated Application to Amend Municipal Code Chapter 4, “Alcoholic Beverages”, Chapter 10, “Business and Business Regulations”, and Chapter 50, Article IV, “Districts and District Map”.**

Chris Gilbert, Planning & Zoning Coordinator, asked the Planning Commission to continue this hearing to a Special meeting on January 16, 2020, to provide more time for staff to work through some concerns that came out of the discussion regarding this item at the November 21, 2019, Planning Commission Meeting.

**1. Commission Decision to Continue Hearing to January 16, 2020, Special meeting.**

Mr. Frazier moved and Ms. Thurman seconded to continue this item to a Special Meeting on January 16, 2020, at 7:00 PM.

**5. Other Business- None.**

**6. Set Future Meeting Date – Special Meeting on January 16, 2020. Next regular meeting on February 6, 2020, with a CUP application for auto sales to be on the agenda.**

**7. Adjourn at 8:10 PM upon motion by Ms. Emerson and second by Ms. Dwight.**

**CITY OF RAYTOWN**  
**Request for Board Action**

**Date:** January 30, 2020 **Bill No.:** 6542-20  
**To:** Mayor and Board of Aldermen **Section No.:** XIII  
**From:** Chris Gilbert, Planning & Zoning Coordinator

**Department Head Approval:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_ (only if funding is requested)

**City Administrator Approval:** \_\_\_\_\_



**Action Requested:** Board of Aldermen approval to amend the Raytown MO Code of Ordinances Chapter 4, "Alcoholic Beverages", Chapter 10, "Business and Business Regulations", Chapter 50, Article I, "In General", and Chapter 50, Article IV, "Districts and District Map".

**Recommendation:** Staff recommends approval of the attached ordinance as written.

**Analysis:** After receiving a number of calls from residents and business owners about the significant spike in the number of package liquor stores being permitted along Raytown Road between 63<sup>rd</sup> Street and 67<sup>th</sup> Street, Alderman Greene brought to the Board of Aldermen the residents' concerns. The Board of Aldermen voted to send the discussion to the Municipal Committee, who then asked Staff to research how to address these concerns. These proposed changes to City Code are the result of the Municipal Committee's request and the Planning Commission's recommendations for proposed zoning changes after three public meetings on these matters.

As Staff worked with Legal Counsel on possible recommendations to address the package liquor store concerns, the following issues came to our attention:

1. Neighborhood Commercial Districts are experiencing significant spikes in the number of smoke shops and vape shops being permitted, with considerable continuing interest;
2. Package liquor stores, smoke shops and vape shops are clustering close to each other in the City's Commercial Districts (Neighborhood and Highway Commercial);
3. The clustering of these business types is limiting the ability to attract other commercial business uses in the City's Commercial Districts;
4. Chapter 50, "Zoning" and Chapter 10, "Business License" in current City Code has conflicting and outdated language related to the permitting of smoke shops and vape shops; and
5. Chapter 50, "Zoning" and Chapter 10, "Business license" and Chapter 4, "Alcoholic Beverages" would need to be modified, if approved by the Board of Aldermen, to address the concerns identified by residents and create effective zoning for the permitting of new package liquor stores, smoke shops, and vape shops.

When certain types of uses cluster in significant numbers, it makes it more challenging to attract other forms of retail development among them as "curb appeal" does matter to businesses. A good analogy is when one goes to look at a new home and the houses to either side project an image that is not inviting or appealing.... most potential buyers would likely have second thoughts about that location and look elsewhere. Same rules apply in the commercial development world.

Staff's recommendation for addressing clustering of these business types without impacting existing businesses operations is to propose distance separations amongst these business types. The Board of Aldermen approved similar zoning regulations when adding Medical Marijuana to the City code, passed in July, 2019 (and working as intended). Distance separations are easy to enforce when new businesses come in as they can be plotted on a map and a simple measurement can determine if a specific location qualifies, much like has already been successfully used for medical marijuana facility

siting. If a prospective new business finds a location where they can meet the distance separations, they could open without the additional constraints time wise of going through the hearing process, so these changes would also be beneficial to the business community.

Current City code does not address vaping businesses as a stand-alone business use but mentions portions of the operation in the smoke shop codes. Staff is recommending defining vape shops as a stand-alone business, mirroring City regulations for smoke shops.

Staff is recommending the implementation of city-wide criteria for these business uses as follows:

1. No existing businesses will be forced to close and can change ownership without penalty provided a new business application is filed within six (6) months of the previous business either ceasing physical operations or business license being expired. It is also important to note that no existing business that continues to operate will be forced to close due to changing its percentage of sales of package liquor or smoke/vape products. However, should a business doing incidental sales choose to increase sales to a point where its primary retail business would be classified as a package liquor or smoke/vape shop, it would then be counted towards the distance separation requirement applied to any new business attempting to locate in Raytown.
2. Vape shops, and a definition thereof, have been added with similar criteria as already exist for Smoke Shops.
3. Convenience Stores have been redefined to mean what has traditionally been identified as such, with national brand or proprietary brand-linked gasoline sales and various sundry consumer products inside (can include some accessory liquor and smoke/vape sales). The definition excludes those previously identified as such that primarily do business as smoke shops or package liquor stores with gasoline sales and sundries as incidental or nonexistent.
4. Adds a use table note to the Zoning Ordinance establishing distance separations of 2600 feet between smoke shops or vape shops and another such establishment. Also 100 feet from parks, schools, and churches and 150 feet from a residential zone.
5. Adds a use table note to the Zoning Ordinance establishing distance separations of 1000 feet between package liquor stores in Highway Commercial and 2600 feet in Neighborhood Commercial zones. Also 100 feet from parks, schools, and churches and 150 feet from a residential zone.
6. Adds a use table note that requires convenience stores to meet the new definition or be subject to classification as the primary gross receipts contributor of the business and meet all of that use category's requirements.

**Alternatives:** Do not approve the Ordinance to eliminate conflicting City code, provide better enforceability and address new business types. Allowing the continued influx of smoke shops, vape shops and liquor stores in clusters which could eventually lead to a number of negative effects on Raytown, and its image, including harming future economic development efforts to attract desirable new businesses to the community. Controlling the number of, and separation between, such uses will help to mitigate any negative impacts of having too many such businesses, particularly when clustering together.

**Budgetary Impact:**

Not Applicable

**Additional Reports Attached:**

Ordinance with Exhibit

Planning Commission Staff Report, January 16, 2020

Planning Commission Draft Minutes, January 16, 2020

**AN ORDINANCE AMENDING CHAPTER 4, ENTITLED “ALCOHOLIC BEVERAGES”, CHAPTER 10, ENTITLED “BUSINESS AND BUSINESS REGULATIONS”, CHAPTER 50, ARTICLE I, ENTITLED “IN GENERAL”, AND CHAPTER 50, ARTICLE IV, ENTITLED “DISTRICTS AND DISTRICT MAP”, OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, MISSOURI**

**WHEREAS**, application PZ-2019-12, submitted by the City of Raytown, proposes to amend Chapter 4, entitled “Alcoholic Beverages”, Chapter 10, entitled “Business and Business Regulations”, Chapter 50, Article I, entitled “In General”, and Chapter 50, Article IV, entitled “Districts and District Map”, of the Code of Ordinances relating to regulations governing Package Liquor Stores, Smoke and Tobacco Stores, Vape/E-cigarette Stores, and Convenience Stores that appeared before the Planning & Zoning Commission; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held a public hearing on January 16, 2020 and by a vote of 6 in favor and 0 against, recommended approval of the amendments to Chapter 4, entitled “Alcoholic Beverages”, Chapter 10, entitled “Business and Business Regulations”, Chapter 50, Article I, entitled “In General”, and Chapter 50, Article IV, entitled “Districts and District Map”, of the Code of Ordinances; and

**WHEREAS**, after due public notice in the manner prescribed by law, the Board of Aldermen held public hearings on February 4, 2020 and February 18, 2020 and rendered a decision on February 18, 2020, to approve the amendments to Chapter 4, entitled “Alcoholic Beverages”, Chapter 10, entitled “Business and Business Regulations”, Chapter 50, Article I, entitled “In General”, and Chapter 50, Article IV, entitled “Districts and District Map”, of the Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:**

**SECTION 1 – APPROVAL OF AMENDMENTS.** That Chapter 4, entitled “Alcoholic Beverages”, Chapter 10, entitled “Business and Business Regulations”, Chapter 50, Article I, entitled “In General”, and Chapter 50, Article IV, entitled “Districts and District Map”, of the Code of Ordinances are hereby amended as provided in Section 2.

**SECTION 2 – AMENDMENTS.** The following amendments as shown on Exhibit A are hereby adopted.

**SECTION 3 – REPEAL OF ORDINANCES IN CONFLICT.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4 – SEVERABILITY CLAUSE.** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 5 – EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this \_\_\_\_\_ day of February, 2020.

\_\_\_\_\_  
Michael McDonough, Mayor

ATTEST:

\_\_\_\_\_  
Teresa M. Henry, City Clerk

Approved as to Form:

\_\_\_\_\_  
Jennifer M. Baird, City Attorney

# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF JACKSON

} S.S.

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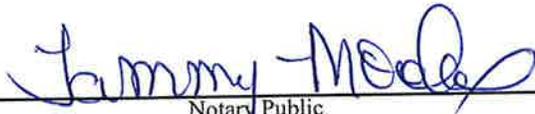
Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **December 09, 2019** edition and ending with the **December 09, 2019** edition, for a total of 1 publications:

12/09/2019



Lisa Fowler

Subscribed & sworn before me this 9th day of Dec, 2019  
(SEAL)



Notary Public



### Notice of Public Hearing

The City of Raytown is in the process of amending Chapter 4, entitled "Alcoholic Beverages", Chapter 10, entitled "Businesses and Business Regulations", and Chapter 50, entitled "Zoning", of the Raytown Municipal Code, to amend zoning and licensing regulations for Liquor Stores, Smoke and Tobacco Establishments, and Convenience Stores, and to add zoning and licensing regulations for businesses involved in the sale of vaping or e-cigarette-related products, to be applicable city-wide.

A public hearing to consider these proposed new regulations will be held by the Raytown Planning & Zoning Commission at 7:00pm on **Thursday, January 2, 2020**. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, [www.raytown.mo.us](http://www.raytown.mo.us), on Friday, December 27, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described new regulations, tentatively scheduled for 7:00pm on **Tuesday, January 7, 2020**, and 7:00pm on **Tuesday, January 21, 2020**.

**All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.**

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at [chriscg@raytown.mo.us](mailto:chriscg@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the

# AFFIDAVIT OF PUBLICATION

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Department of Community  
Development at Raytown City Hall at  
(816) 737-6014 no later than 48 hours  
prior to the applicable public hearing  
date.  
11823874 Jackson Dec. 9, 2019

## **EXHIBIT A**

### **CHAPTER 4, ARTICLE IV.-Licenses**

#### **Sec. 4-109. - Full original package sales license.**

1. A license shall be issued to all applicants who have complied with this chapter, licensing such applicant to sell at retail alcoholic beverages in the original package on the licensed premises, upon payment to the city collector for each such license in an amount set forth in the city's schedule of fees and charges.
2. Any new business license applicant under this license category, shall first meet the requirements of Chapter 50-107 of the Municipal Code as it pertains to zoning and location requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application.
3. Any existing business licensed under this category that has had a change of ownership occur resulting in the owner listed on the original business license application no longer controlling at least 51 percent of the interest in the business, it shall be deemed a new business and shall apply for a new business license in accordance with Chapter 10 of the Raytown Municipal Code. If the previous owner's business license expired more than six (6) months prior to the new owner filing a business license application to take over control of the business, the new application to change ownership shall not be approved unless the requirements of Municipal Code Section 50-107, pertaining to zoning and location requirements, can be met. This shall also apply if the physical use of a specific location for package liquor sales has ceased for a period of six (6) months or more.

(Code 1969, § 3-46; Ord. No. 2296-81, § 1, 10-20-1981; Ord. No. 2568-83, § 2, 8-16-1983; Ord. No. 5384-10, § 1(3-46), 12-21-2010; Ord. No. 5447-13, § 1(3-46), 3-19-2013)

#### **Sec. 4-110. - Malt liquor original package sales license.**

1. A license shall be issued to all applicants who have complied with this article, licensing such applicant to sell at retail malt liquor in the original package on the licensed premises, upon payment to the city collector for each such license in an amount set forth in the city's schedule of fees and charges.
2. Any new business license applicant under this license category, shall first meet the requirements of Chapter 50-107 of the Municipal Code as it pertains to zoning and location

requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application.

3. Any existing business licensed under this category that has had a change of ownership occur resulting in the owner listed on the original business license application no longer controlling at least 51 percent of the interest in the business, it shall be deemed a new business and shall apply for a new business license in accordance with Chapter 10 of the Raytown Municipal Code. If the previous owner's business license expired more than six (6) months prior to the new owner filing a business license application to take over control of the business, the new application to change ownership shall not be approved unless the requirements of Municipal Code Section 50-107, pertaining to zoning and location requirements, can be met. This shall also apply if the physical use of a specific location for package liquor sales has ceased for a period of six (6) months or more.

(Code 1969, § 3-47; Ord. No. 2296-81, § 1, 10-20-1981; Ord. No. 2568-83, § 2, 8-16-1983; Ord. No. 5384-10, § 1(3-47), 12-21-2010; Ord. No. 5447-13, § 1(3-47), 3-19-2013)

## CHAPTER 10, ARTICLE XVII. – SMOKE, VAPE/E-CIGARETTE, AND TOBACCO ESTABLISHMENTS

### Sec 10-26. – Application for license.

(e) *Estimates by new businesses required.* New businesses shall estimate their gross income for license tax purposes as contemplated herein in accordance with Section 10-27 (b) of this Chapter.

### Sec. 10-573. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Smoke and tobacco store* means a retail store used primarily for the sale of tobacco products and accessories where the trade or business carried on there is that of the blending of tobaccos or sales of tobaccos, cigarettes, pipes, cigars or smoking sundries and in which the sale of other products is incidental. A "retail tobacco store" shall not include a tobacco department used primarily for the sale of smoking materials as part of a larger commercial establishment such as a department store, grocery store, discount store, convenience store, or bar or retail store where sales from such department comprise less than 5 percent of the business's total volume of trade or sales.

*Vaping (e-cigarette) Store* means a retail store used primarily for the sale of vaping products and e-cigarettes that may or may not include tobacco or tobacco-related products but may include any vaping paraphernalia as defined in this Section.

*Tobacco or Vaping (e-cigarette) paraphernalia* means any instrument, utensil or device used for smoking or inhaling tobacco or similar plant products including, but not limited to, rolling papers; metal wooden, acrylic, glass, stone, plastic or ceramic pipes; water pipes; hookahs; carburetion tubes and devices; and bongs. Also means any similar instrument, utensil or device utilized for inhaling vaping liquid or for the use of e-cigarettes. All such products sold by a licensed Medical Marijuana facility shall not be included in this definition. However, such sales shall be subject to, and compliant with, the provisions of Chapter 50, Article XII, Medical Marijuana.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-574. - Permit to operate a smoke and tobacco store or a vaping (e-cigarette) store.**

(a) *Required.* It shall be unlawful for any person to own or operate a smoke and tobacco store or a vaping (e-cigarette) store in the city limits of Raytown without having first obtained zoning clearance and a business license issued by the city. Any new business license applicant under this license category that expects to primarily engage in smoke and tobacco or vaping (e-cigarette) sales, including related paraphernalia, or a combination thereof, shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued.

(b) *Application.* Any person desiring to operate a tobacco store or vaping (e-cigarette) store shall make an application with the business license administrator for a permit to operate such business on an annual basis. Such application shall contain the following information:

- (1) Name, address, and daytime telephone number of applicant.
- (2) If a partnership, the names and addresses of each partner.
- (3) If a corporation, the name and address of each officer, director, shareholder, and the name and address of the resident agent of the corporation.
- (4) If a corporation, a certificate of good standing issued by the secretary of state.
- (5) The name, address and photo identification of the person responsible and accountable for the day-to-day operation of the business.
- (6) The location of the proposed establishment, including a drawing of the interior of the proposed premises showing the dimensions thereof, and indicating the location of all furniture, equipment, and appliances to be used in connection with such establishment.
- (7) The proposed hours of operation for such establishment.
- (8) The percentage of sales related to tobacco or vaping (e-cigarette) products for the business.
- (9) Provide an approved Commercial Use Permit for the proposed location showing that all requirements of Section 50-107 of the Zoning Ordinance have been met. This shall not be required for renewals unless a change of ownership has occurred in accordance with Section 10-574 (c) (1).

(c) *Issuance.*

(1) No business license issued under the provisions of this article shall be transferable. Any change in ownership shall require a new business license application with additional license fees. **Any existing business licensed under this category that has had a change of ownership occur resulting in the owner listed on the original business license application no longer controlling at least 51 percent of the interest in the business, it shall be deemed a new business and shall apply for a new business license in accordance with Section 10-574 (b) of the Raytown Municipal Code. If the previous owner's business license expired more than six (6) months prior to the new owner filing business license application to take over control of the business, the new application to change ownership shall not be approved unless the requirements of Municipal Code Section 50-107, pertaining to zoning and location requirements, can be met. This shall also apply if the physical use of a specific location for smoke and tobacco or vaping (e-cigarette) sales has ceased for a period of six (6) months or more.**

(2) Any business license issued under the provisions of this article shall be conspicuously posted or displayed by the applicant during all business operations by such applicant.

(3) No business license shall be issued under the provisions of this article to any person, firm or corporation until all tangible personal property taxes and real estate taxes owing by such applicant, if any, shall have been fully paid.

(d) *Fee.* The fee for the business permit in this article shall be based upon the formula for gross annual receipts, as provided by the Schedule of license fees in [section 10-52](#) of the Raytown Municipal Code.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-575. - Restrictions on sale and distribution of tobacco paraphernalia.**

(1) The on-site display, sale or distribution of tobacco paraphernalia to consumers is hereby prohibited except in retail tobacco stores.

(2) No person shall display, sell or distribute tobacco paraphernalia to any person less than 18 years of age.

(3) No person shall display, sell or distribute tobacco paraphernalia except as provided in this section.

(4) All laws and requirements regarding the sale and possession of tobacco and tobacco-related products governed by [chapter 10](#), article III, as well as [chapter 28](#), article XI, [section 28-394](#) of the Raytown Municipal Code shall remain in effect, and shall not be repealed by this ordinance.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-576. - ~~General requirements.~~ Restrictions on sale and distribution of vaping (e-cigarette) paraphernalia.**

~~(1) A smoke and tobacco store shall not locate or expand an existing operation within:~~

~~a. 2,640 feet of the boundary of the city;~~

b. ~~2,640 feet of any other property on which another smoke and tobacco shop is located;~~

c. ~~500 feet of any property legally used as a public park, school, church or residence.~~

~~(2) The separation distance shall be measured from or to the outer wall of the smoke and tobacco store, and from or to the property line of the property containing the public park, school, church or residential property.~~

~~(3) Separation distance provisions shall not apply to any smoke and tobacco store that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived, and they have operated continuously under the same business name since that time.~~

~~(4) Notwithstanding any other provision contained within this article, no business license may be issued for a smoke and tobacco store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 5,000 residents based on the last decennial census.~~

~~(Ord. No. 5513-15, § 2, 1-20-2015)~~

(1) The on-site display, sale or distribution of vaping (e-cigarette) paraphernalia to consumers is hereby prohibited except in retail vaping (e-cigarette) stores.

(2) No person shall display, sell or distribute vaping (e-cigarette) paraphernalia to any person less than 18 years of age.

(3) No person shall display, sell or distribute vaping (e-cigarette) paraphernalia except as provided in this section.

**Sec. 10-577. - Applicability.**

The standards of this article apply to tobacco and convenience stores and vaping (e-cigarette) stores, as defined by this ordinance.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-578. - Penalty.**

Any person, firm or corporation violating the provisions of this article shall be guilty of a municipal offense and, upon conviction, shall be subject to the penalties provided in [section 1-22](#). In addition, any violation of this article shall be grounds for the city to revoke any or all licenses or permits issued by the city.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Secs. 10-579—10-585. - Reserved.**

## CHAPTER 50, ARTICLE I. – IN GENERAL

### Sec. 50-4. - Definitions.

*Convenience store* means a small retail establishment that is open long hours, typically sells staple groceries, snacks, and beverages, and ~~may shall~~ be primarily engaged in the retail sale of gasoline or other motor fuels (contracted to either a nationally branded fuel refiner/distributor or a convenience store chain proprietary brand) subject to the approval of a conditional use, along with accessory activities such as the sale of lubricants, accessories and supplies. ~~but~~ This definition shall not include the lubrication of motor vehicles, and the adjustment or repair of motor vehicles. This definition shall not include any business where the primary business activity is the sales of tobacco, tobacco products, vaping/e-cigarette products, and package liquor, or any combination thereof that constitutes a majority of the business activity where sales of gasoline and sundries are incidental

(Code 1969, § 16-1; Ord. No. 139, § 1, 7-19-1966; Comp. Ord. of 4-20-2010, §§ 2-1, 11-7; Ord. No. 5571-17, §§ 1, 2, 3-7-2017; Ord. No. 5580-17, §§ 1, 2(Exh. A), 9-5-2017)

## CHAPTER 50, ARTICLE IV. – DISTRICTS AND DISTRICT MAP

### Sec. 50-107. – Land Use Table.

(a) *Generally.* The following land use table identifies uses that are either permitted by right, require approval of a conditional use permit or are not allowed in each of the applicable districts. Many of the uses are defined in [section 50-4](#). Any uses that are not defined in [section 50-4](#) shall be given their common meaning.

(1) *Permitted (allowed by right).* Uses identified in a zoning district column of the Use Table with a "P" are "permitted by-right" and shall be permitted in such zoning district, subject to such special use regulations as may be indicated in the "conditions" column and all other requirements of this article.

(2) *Conditional uses.* Uses identified in a zoning district column of the Use Table with a "C" are "conditional uses" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of article V of this chapter. Conditional uses shall be subject to such special regulations as may be specified in article V of this chapter and all other requirements of the city Code.

(3) *Not permitted.* Uses not identified in a zoning district column of the Use Table as permitted by-right or by conditional use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of the city Code.

(4) *Conditions.* A letter in the "conditions" column of the Land Use Table refers to standards applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in subsection (b) of this section.

(b) *Land use conditions.* The following standards shall apply to permitted, conditional and accessory uses:

(1) Single-household dwellings, excluding manufactured or mobile homes, shall have a permanent foundation.

(2) Dwellings used for small group living, shall be subject to the following requirements:

a. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.

b. No dwelling used for small group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

c. No traffic shall be generated by such group home between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such group home shall be met by off-street parking areas not located in a required front yard.

d. The dwelling shall meet all requirements of the city's adopted codes relating to the safety of occupants, including, but not limited to building and fire codes.

(3) Churches, chapels, mosques, synagogues and temples shall be located on a minimum of a one acre size lot, if located in accordance with at least one of the following:

a. On a lot having a sideline common to a public park, playground, or cemetery, or directly across a street from any one of combination of said uses.

b. On a corner lot having a minimum of 100 feet frontage on one side.

c. On a lot three sides of which adjoin streets.

(4) Golf courses shall be:

a. Used for daytime use only, including accessory clubhouses and related daytime driving ranges. This requirement shall not be applicable to independent golf driving ranges, pitch and putt or miniature golf courses.

b. Placed on lots greater than one acre.

(5) a. Residential accessory uses, including automobile parking areas, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business or industry, are permitted. Such accessory uses shall not include raising animals, with the exception that one horse per 40,000 square feet lot may be kept in a detached stable. Detached accessory structures should be at least five feet from any property line. Accessory buildings shall not exceed 720 square feet.

b. Accessory buildings and uses in the NC districts that are customarily incidental to the above permitted uses are allowed, provided there shall be no manufacture, processing or compounding of products other than such that are customarily incidental and essential to such

permitted use. Accessory buildings and uses shall be constructed in a style and manner similar to the principal building or use.

c. In the HC district, accessory buildings and uses customarily incidental to the above uses if they are constructed in a style and manner similar and sympathetic to a principal building or use.

d. Land in the HC district that is adjacent to a district in which a single-household home is permitted, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level.

e. In the HC district, automobile sales and automobile service stations engaged in the sale of gasoline and oil, open display may be permitted of merchandise commonly sold by automobile service stations (e.g., oil, batteries, tires, wiper blades, etc.). No permanent open display will be permitted on sidewalks or public rights-of-way. Such display will be adequately screened from adjacent residential property.

f. In the Town Square Overlay District, no article or material stored or offered for sale shall be stored or displayed outside the confines of a building unless otherwise approved by the board of aldermen as part of a development plan or is otherwise permitted by a temporary permit governed by [section 50-15](#).

(6) Private swimming pools, if more than two feet deep, shall be subject to the following conditions and requirements:

a. They must be located behind the front building line and not less than ten feet from any rear or side lot line, and in the case of corner lots, not less than 15 feet from a side street line and at least 20 feet from a principal building on an adjoining lot.

b. If located in the side yard, they shall not be less than 40 feet from the front line and not less than 15 feet from the side lot line.

c. The area in which the pool is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure of a non-climbable variety at least four feet in height but less than six feet in height.

d. Such protective enclosures shall be provided with gates equipped with locks, which shall be locked when the pool is not attended.

e. Adequate pool drainage facilities shall be provided for which the plans and specifications shall be approved by the director of community development and public affairs or some other duly qualified individual.

(7) Home occupations shall be subject to the following use standards:

a. Said use shall be conducted solely within the confines of the main dwelling and shall not exceed 25 percent of the floor area.

- b. Garages or carports, whether attached or detached, shall only be used for the storage of automobiles related to the home occupation.
- c. All materials, equipment and samples associated with such home occupation shall be stored completely within the dwelling.
- d. No alterations or additions shall be made to a dwelling or accessory structure for business or commercial purposes which will alter the residential appearance of such dwelling.
- e. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation.
- f. Permitted home occupations shall not include the employment of any persons not residing on the premises.
- g. No traffic shall be generated by such home occupation between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking areas not located in a required front yard.
- h. The home occupation shall not cause the elimination of required off-street parking.
- i. No uses that create excessive illumination, noise, odor, dust, vibration, air pollution, water pollution or conflict with the use of adjacent property for residential uses are permitted.
- j. A family day care home may be operated as a home occupation, subject to the following conditions:
  - 1. The family day care must be operated by a person who resides in the single-family dwelling.
  - 2. Care is provided to no more than five children not related to the day care provider, at any one time.
  - 3. At least 500 square feet of contiguous, compact outside play area in the rear yard of the premises must be available for outside recreation of children.
  - 4. Play area must be enclosed with a fence at least 60 inches in height.
  - 5. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.
  - 6. Any body of water, natural or manmade, must be fenced and secured in accordance with this Code.
  - 7. No family day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.
- k. An adult day care may be operated as a home occupation, subject to the following conditions:
  - 1. The adult day care must be operated by a person who resides in the single-family dwelling.

2. Care is provided for no more than five adults at any one time. An adult day care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three persons. The city may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
3. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
4. Rear yard must be enclosed with a fence at least 60 inches in height.
5. An off-street, unobstructed, paved parking area for the pick up and drop off of adults must be provided.
6. No adult day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.

I. The following uses are specifically prohibited as home occupations:

1. Retail or wholesale sales;
2. Sales to the public on the premises not incidental thereto;
3. Equipment rental;
4. Sale of any parts;
5. Lawnmower, appliance equipment and machinery repair;
6. Automobile and other motor vehicle repair services and/or sales; and
7. Uses requiring the storage or use of highly flammable, toxic or other hazardous materials.

Specifically prohibited home occupations may receive a home occupancy accessory use permit from the board of zoning adjustment.

m. A home occupation permit shall be issued to the applicant, and the same shall not be transferable or assignable, nor shall it be contained on the subject property after the use shall have been discontinued or abandoned for a period of 60 days.

n. Home occupations established prior to the enactment of these regulations will continue to be subject to the zoning regulations in effect on the date that the home occupation was commenced. A home occupation permit subject to the provisions of these zoning regulations will be required after the discontinuance or abandonment of such a home occupation.

(8) Two-household condominium dwellings as long as they are provided with separate utility connections and are constructed with appropriate zero lot line coverage.

(9) A residential care facility or a dwelling used for large group living, subject to the following requirements:

- a. At least 500 square feet of contiguous, compact outside recreation area must be provided for every five residents.
- b. The recreation area must be fenced with a fence at least 60 inches in height.
- c. Parking. Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.
- d. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.
- e. No traffic shall be generated by residential care facilities or a dwelling used for large group living between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood.
- f. No dwelling used for large group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.
- g. No residential care facility may be located within 1,200 feet of another residential care facility, or a dwelling used for group living, large or small, as measured from the nearest property line to the nearest property line.
- h. All other requirements of the R-3 district shall be met.
- i. Any residential care facility or dwelling used for large group living must be licensed by the State of Missouri, if applicable.
- j. In Districts R-1 and R-2, no more than 16 total residents shall be cared for at any one time.
- k. In Districts R-1 and R-2, the applicant must demonstrate that the use will be consistent with the residential character of the neighborhood by presenting information regarding:
  - 1. The number of residents.
  - 2. The number of employees.
  - 3. The number of additional vendors or service providers anticipated to visit the home each day, week, and month including but not limited to pharmacy deliveries, barbers, therapists, doctors, food deliveries, transportation of residents, and special activity providers.
  - 4. The total number of vehicle trips to and from the home per day, including all of the above.

(10) Any such store or shop must not produce more noise, odor, dust, vibration, blasting or traffic than specifically permitted by these regulations and city policy.

(11) An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

(12) a. At least 500 square feet for every five children, of contiguous, compact outside play area must be provided for outside recreation of children.

- b. The play area must be fenced with a fence at least 48 inches in height.
  - c. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.
  - d. Any body of water, natural or man-made, must be fenced and secured in accordance with the Raytown Code of Ordinances.
- (13) a. In the industrial district, the entire operation shall be conducted within a fire-rated building or buildings, completely enclosed by walls and roof except that loading docks, service areas and outdoor storage areas may be located outside of a building or buildings, in compliance with the terms of article III, division 7 of this chapter.
- b. The activity shall create no noise in excess of that of normal daily traffic measured at the lot line of the premises.
  - c. The activity shall create no vibration for a period longer than three minutes in any one hour that is perceptible at the lot line of the premises.
  - d. The activity shall create no dust, dirt, odor or obnoxious gasses, heat and unscreened glare that is perceptible at the lot line of the premises.
  - e. The activity shall be free from fire hazards and excessive industrial wastes.
  - f. Each industrial area shall have its own system of streets so that the traffic generated by any industrial use shall flow directly onto a street within the area zoned for industry, hence to empty on any street bordering such area.
- (14) All residential units shall be located on floors levels above the first story unless otherwise approved as part of a development plan by the board of aldermen.
- (15) a. Adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters may be located in a commercial district (NC or HC) or industrial district (M) but not within 500 feet of any residential district with an R in its designation (R-1, R-2 or R-3).
- b. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 1,000 feet of any other similar use.
  - c. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 500 feet of any school, religious institution or public park within the city.
  - d. The distance between any two adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters shall be measured in a straight line, without regard to intervening structures, from the closest exterior structure wall of each business.
  - e. The distance between any adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater and any religious institution, school, public

park or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater to the closest property line of the religious institution, school, public park or the property zoned for residential use.

f. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be conducted in any manner that permits the observation of any material depicting, describing or relating to a specified sexual activities or a specified anatomical areas, as defined by these regulations, by display decoration, sign, show window or other opening from any exterior source.

(16) Reserved.

(17) The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land, and other physical facilities shall be reviewed and approved by the planning commission prior to the issuance of a building permit.

(18) a. Junk yard or salvage yard shall occupy a minimum lot size of ten acres.

b. All such uses shall be located at least 300 feet from a boundary line or 500 feet from a boundary line if the property adjoins land in districts Low Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3) and Elderly Housing Residential District (RE).

c. All such uses shall be completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be maintained so as to ensure maximum safety to the public, obscure the junk or salvage from normal view of the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.

d. No materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the fence or wall.

e. No hazardous or toxic materials shall be stored or handled in a junkyard or salvage yard unless they are located in such uses on a temporary basis not to exceed 90 days until other disposal can be arranged.

(19) a. The kennel shall occupy a minimum lot size of five acres.

b. No kennel building or runs shall be located nearer than 200 feet to any property line.

c. All kennel runs or open areas shall be screened completely from view around such areas or at the property lines to prevent the distraction or excitement of the animals.

d. All kennel runs shall be surrounded by a fence of at least eight feet in height.

e. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

f. All state licensing and operation requirements are met.

(20) Riding stable (private) shall not be located less than 100 feet from the front lot line or less than 30 feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each 40,000 square feet of lot area, provided however, there is a minimum lot size of two acres, and further provided, however, that when any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

(21) No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district with "R" in its title.

(22) Temporary uses. The following temporary uses of land are permitted in each district unless specifically restricted to particular districts and are subject to the regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted.

a. *Carnivals and circuses.* Permits for may be approved with conditions by the director of community development and public affairs. Such uses need not comply with the bulk or lot-size requirements, provided that structures or equipment that might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curb line of any two streets.

b. *Christmas tree sales.* Allowed in any business or industrial district for a period not to exceed 45 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided that no trees shall be placed in such a manner as to obstruct the vision of traffic within 30 feet of the intersection of the curb line of any two streets.

c. *Garage sales, yard sales and rummage sales.* Periodic conduct of what is commonly called garage or yard or rummage sales that do not exceed a period of more than five days or on more than four occasions during any calendar year.

(23) The annual production of beer by a craft brewery shall not exceed six million barrels.

(24) The following additional criteria shall apply to all businesses classified by Municipal Code Section 10-573 as Tobacco or Vaping/E-cigarette Sales Stores:

a. Such uses shall not locate within:

1. 2,600 feet of any other property on which another smoke and tobacco or vaping (e-cigarette) store is located;
2. 100 feet of any property legally used as a public park, school, or church.
3. 150 feet from a residential zone.

b. The separation distance shall be measured from the primary entrance of the smoke, tobacco, or vaping/e-cigarette store, and from or to the property line of the property containing the public park, school, church or residential property.

c. Separation distance provisions shall not apply to any smoke, tobacco, or vaping/e-cigarette store that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived.

(25) The following additional criteria shall apply to all businesses classified by Municipal Code Section 4-109 or 4-110 as Full Original Package or Malt Liquor Original Package Liquor Stores:

a. Such uses shall not locate within:

1. Highway Commercial zone: 1,000 feet of any other property on which another package liquor store is located;
2. Neighborhood Commercial zone: 2,600 feet of any other property on which another package liquor store is located;
3. 100 feet of any property legally used as a public park, school, or church.
4. 150 feet from a residential zone.

b. The separation distance shall be measured from the nearest outer wall of the package liquor sales store, and from or to the property line of the property containing the public park, school, church or residential property.

c. Separation distance provisions shall not apply to any package liquor sales store that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived.

(26) Convenience Stores shall meet the definition of such stores contained within Municipal Code Section 50-4. If such store does not meet the definition, then the use classification shall be the primary contributor to gross receipts of the business and shall meet all code requirements thereof.

(Ord. No. 5498-14, § 2A—C, 7-15-2014; Ord. No. 5579-17, §§ 1, 2(Exh. A), 9-5-2017; Ord. No. 5575-17, § 1, 5-2-2017)

(27) Permitted Accessory Uses shall not include Vehicle Sales. Any Vehicle Sales incidental to an existing commercial business of any type located in the Neighborhood Commercial, (NC), Highway Commercial (HC), or Manufacturing, (M), Zones, shall require an application for approval of a Conditional Use Permit. Such incidental vehicle sales, if approved by Conditional Use Permit, shall be approved for a specific limited number of vehicles to display at any one time and shall not be subject to the distance separation or number of businesses restrictions contained in Land Use Conditions Note (27).

(28) The following additional criteria shall apply to all Vehicle Sales, New or Used:

- a. Such principal use shall not locate or expand an existing operation within 1,500 feet of any other property on which another principal Vehicle Sales, New or Used, business is located;
- b. The separation distance between two such uses shall be measured from the primary entrance of the first Vehicle Sales business, from or to the primary entrance of the second such business .
- c. Separation distance provisions shall not apply to any Vehicle Sales, New or Used, business that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived, and they have operated continuously under the same business name since that time.
- d. Notwithstanding any other provision to the contrary, no use permit or business license shall be issued for a Vehicle Sales, New or Used, business where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 5,000 residents, or fraction thereof, based on the last decennial census.



**PZ 2019-12**

To: City of Raytown Planning and Zoning Commission  
From: Chris Gilbert, Planning & Zoning Coordinator  
Date: January 16, 2020  
Re: Zoning Ordinance Text Amendments Regarding Moratorium Uses

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**MORATORIUM USES TEXT AMENDMENTS SUMMARY**

In May, 2019, the Raytown Board of Aldermen adopted an Ordinance enacting a temporary moratorium on “Smoke Shops”, “Package Liquor Sales”, and “Convenience Stores” within the Neighborhood Commercial zone district. This moratorium is set to expire at the end of January, 2020, unless extended, or new regulations are adopted by the Board of Aldermen. An Ordinance requesting an extension of two months was presented to the Board of Aldermen on January 7, 2020, for first reading, to provide additional time for review. This set of proposed amendments to the Raytown Municipal Code are designed to put reasonable regulations into place, reducing the impact over time that the number of such existing businesses have on the health, safety, and welfare of the residents of Raytown. Some of the changes affect parts of the Municipal Code that don’t require Planning Commission review, but as ALL the changes are interlinked, they are all provided here as a complete package.

Significant changes made since the November 21, 2019, meeting all involve removing hindrances to existing businesses being able to continue business and expand or sell if necessary without having to meet proposed new distance separation requirements. A six month timeframe for discontinuation of use is proposed that is consistent with the non-conformity section of the Zoning Ordinance. Number per population city-wide was removed as well in favor of control through distance separations, all of which are consistent with Medical Marijuana distance separations or Liquor Sales distance separations. The one exception is in the case of distance between such uses in an effort to discourage clustering in favor of a more spread out distribution to reduce impacts on any one part of the City.

Changes to Chapter 4 of Municipal Code Regarding package Liquor Sales:

- Requires compliance with Zoning Ordinance location requirements for all new liquor stores
- Permits existing businesses to change ownership within 6 months of license expiration or cessation of activity, consistent with non-conforming use termination timeframes

Changes to Chapter 10 of Municipal Code Regarding Smoke and Tobacco Establishments

- Adds Vaping/e-cigarette Establishments
- Requires compliance with Zoning Ordinance location requirements for all new such establishments



# Staff Report

Community Development  
Planning and Development Services

- Permits existing businesses to change ownership within 6 months of license expiration or cessation of activity, consistent with non-conforming use termination timeframes

## Changes to Chapter 50, Article I, regarding Zoning Ordinance Definitions

- Redefines Convenience Store to be what is traditionally thought of as a convenience store...gas sales linked to a nationwide or store chain proprietary fuel brand plus the convenience of a variety of items for sale inside the store.

## Changes to Chapter 50, Article IV, regarding the Zoning District Map and Use table

- Adds a Use Table note under Conditions for existing Convenience Store category providing criteria for qualifying for this use.
- Adds a new Use Table Category and a note under Conditions for Package Liquor Sales and providing zoning location criteria for such uses.
- Adds a new Use Table Category and a note under Conditions for Tobacco or Vaping/E-cigarette Product Sales and providing zoning location criteria for such uses.

## **Attachments:**

- Notice of Public Hearing
- Moratorium Ordinance dated 21 May, 2019
- Revised Proposed Ordinance Changes to Address Moratorium Uses

# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF JACKSON

} S.S.

Page 1 of 2

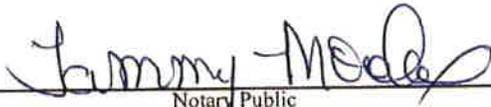
Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **December 09, 2019** edition and ending with the **December 09, 2019** edition, for a total of 1 publications:

12/09/2019



Lisa Fowler

Subscribed & sworn before me this 9th day of Dec, 2019  
(SEAL)



Notary Public



### Notice of Public Hearing

The City of Raytown is in the process of amending Chapter 4, entitled "Alcoholic Beverages", Chapter 10, entitled "Businesses and Business Regulations", and Chapter 50, entitled "Zoning", of the Raytown Municipal Code, to amend zoning and licensing regulations for Liquor Stores, Smoke and Tobacco Establishments, and Convenience Stores, and to add zoning and licensing regulations for businesses involved in the sale of vaping or e-cigarette-related products, to be applicable city-wide.

A public hearing to consider these proposed new regulations will be held by the Raytown Planning & Zoning Commission at 7:00pm on **Thursday, January 2, 2020**. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, [www.raytown.mo.us](http://www.raytown.mo.us), on Friday, December 27, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described new regulations, tentatively scheduled for 7:00pm on **Tuesday, January 7, 2020**, and 7:00pm on **Tuesday, January 21, 2020**.

All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at [chrisg@raytown.mo.us](mailto:chrisg@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the

## Moratorium Uses Draft Ordinance Amendments

### CHAPTER 4, ARTICLE IV.-Licenses

#### Sec. 4-109. - Full original package sales license.

1. A license shall be issued to all applicants who have complied with this chapter, licensing such applicant to sell at retail alcoholic beverages in the original package on the licensed premises, upon payment to the city collector for each such license in an amount set forth in the city's schedule of fees and charges.
2. Any new business license applicant under this license category ~~that expects to exceed twenty percent of Total Gross Receipts through either full original package Liquor sales or malt liquor original package sales, or a combination thereof,~~ shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application.
3. ~~Any existing business licensed under this category that, upon renewal of such license, has transitioned from under 20 percent to 20 percent or more of Total Gross Receipts through either full original package liquor sales or malt liquor original package sales, or a combination thereof, shall meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to the license being renewed. Applicant shall provide an approved Commercial Use Permit for the business location prior to consideration for renewal. Failure to meet the requirements for such Commercial Use Permit shall result in denial of the business license renewal application.~~
4. Any existing business licensed under this category that has had a change of ownership occur resulting in the owner listed on the original business license application no longer controlling at least 51 percent of the interest in the business, it shall be deemed a new business and shall apply for a new business license in accordance with Chapter 10 of the Raytown Municipal Code. If the previous owner's business license expired more than six (6) months prior to the new owner filing business license application to take over control of the business, the new application to change ownership shall not be approved unless the requirements of Municipal Code Section 50-107, pertaining to zoning and location requirements, can be met. This shall also apply if the physical use of a specific location for package liquor sales has ceased for a period of six (6) months or more. ~~If such new business expects to exceed twenty percent of Total Gross Receipts through either full original package Liquor sales or malt liquor original package sales, or a combination thereof,~~

~~it shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application. Failure to meet the requirements for such Commercial Use Permit shall result in denial of the new business license application.~~

(Code 1969, § 3-46; Ord. No. 2296-81, § 1, 10-20-1981; Ord. No. 2568-83, § 2, 8-16-1983; Ord. No. 5384-10, § 1(3-46), 12-21-2010; Ord. No. 5447-13, § 1(3-46), 3-19-2013)

**Sec. 4-110. - Malt liquor original package sales license.**

1. A license shall be issued to all applicants who have complied with this article, licensing such applicant to sell at retail malt liquor in the original package on the licensed premises, upon payment to the city collector for each such license in an amount set forth in the city's schedule of fees and charges.
2. Any new business license applicant under this license category ~~that expects to exceed twenty percent of Total Gross Receipts through either full original package Liquor sales or malt liquor original package sales, or a combination thereof,~~ shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application.
3. ~~Any existing business licensed under this category that, upon renewal of such license, has transitioned from under 20 percent to 20 percent or more of Total Gross Receipts through either full original package liquor sales or malt liquor original package sales, or a combination thereof, shall meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to the license being renewed. Applicant shall provide an approved Commercial Use Permit for the business location prior to consideration for renewal. Failure to meet the requirements for such Commercial Use Permit shall result in denial of the business license renewal application.~~
4. Any existing business licensed under this category that has had a change of ownership occur resulting in the owner listed on the original business license application no longer controlling at least 51 percent of the interest in the business, it shall be deemed a new business and shall apply for a new business license in accordance with Chapter 10 of the Raytown Municipal Code. If the previous owner's business license expired more than six (6) months prior to the new owner filing business license application to take over control of the business, the new application to change ownership shall not be approved unless the requirements of Municipal Code Section 50-107, pertaining to zoning and location requirements, can be met. This shall also apply if the physical use of a specific location for package liquor sales has ceased for a period of six (6) months or more. ~~If such new~~

~~business expects to exceed twenty percent of Total Gross Receipts through either full original package Liquor sales or malt liquor original package sales, or a combination thereof, it shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application. Failure to meet the requirements for such Commercial Use Permit shall result in denial of the new business license application.~~

(Code 1969, § 3-47; Ord. No. 2296-81, § 1, 10-20-1981; Ord. No. 2568-83, § 2, 8-16-1983; Ord. No. 5384-10, § 1(3-47), 12-21-2010; Ord. No. 5447-13, § 1(3-47), 3-19-2013)

## CHAPTER 10, ARTICLE XVII. – SMOKE, VAPE/E-CIGARETTE, AND TOBACCO ESTABLISHMENTS

### Sec 10-26. – Application for license.

(e) *Estimates by new businesses required.* New businesses shall estimate their gross income for license tax purposes as contemplated herein ~~upon that amount of gross business consummated during the first calendar quarter of the existence of said business.~~ in accordance with Section 10-27 (b) of this Chapter.

### Sec. 10-573. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Smoke and tobacco store* means a retail store used primarily for the sale of tobacco products and accessories ~~and where more than 70 20 percent or more of the volume of where the~~ trade or business carried on there is that of the blending of tobaccos or sales of tobaccos, cigarettes, pipes, cigars or smoking sundries and in which the sale of other products is incidental. A "retail tobacco store" shall not include a tobacco department used primarily for the sale of smoking materials as part of a larger commercial establishment such as a department store, grocery store, discount store, ~~convenience store,~~ or bar or retail store where sales from such department comprise less than ~~70 20~~ 5 percent of the business's total volume of trade or sales.

*Vaping (e-cigarette) Store* means a retail store used primarily for the sale of vaping products and e-cigarettes that ~~does not~~ may or may not include tobacco or tobacco-related products but may include and vaping paraphernalia as defined in this Section.

*Tobacco or Vaping (e-cigarette) paraphernalia* means any instrument, utensil or device used for smoking or inhaling tobacco or similar plant products including, but not limited to, rolling papers; metal wooden, acrylic, glass, stone, plastic or ceramic pipes; water pipes; hookahs; carburetion tubes and devices; and bong. Also means any similar instrument, utensil or device utilized for inhaling vaping liquid or for the use of e-cigarettes. All such products sold by a licensed Medical Marijuana facility shall not be included

in this definition. However, such sales shall be subject to, and compliant with, the provisions of Chapter 50, Article XII, Medical Marijuana.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-574. - Permit to operate a smoke and tobacco store or a vaping (e-cigarette) store.**

(a) *Required.* It shall be unlawful for any person to own or operate a smoke and tobacco store or a vaping (e-cigarette) store in the city limits of Raytown without having first obtained zoning clearance and a business license issued by the city. Any new business license applicant under this license category that expects to exceed twenty percent of Total Gross Receipts through either that expects to primarily engage in smoke and tobacco or vaping (e-cigarette) sales, including related paraphernalia, or a combination thereof, shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued.

(b) *Application.* Any person desiring to operate a tobacco store or vaping (e-cigarette) store shall make an application with the business license administrator for a permit to operate such business containing on an annual basis. Such application shall contain the following information:

- (1) Name, address, and daytime telephone number of applicant.
- (2) If a partnership, the names and addresses of each partner.
- (3) If a corporation, the name and address of each officer, director, shareholder, and the name and address of the resident agent of the corporation.
- (4) If a corporation, a certificate of good standing issued by the secretary of state.
- (5) The name, address and photo identification of the person responsible and accountable for the day-to-day operation of the business.
- (6) The location of the proposed establishment, including a drawing of the interior of the proposed premises showing the dimensions thereof, and indicating the location of all furniture, equipment, and appliances to be used in connection with such establishment.
- (7) The proposed hours of operation for such establishment.
- (8) The percentage of sales related to tobacco or vaping (e-cigarette) products for the business.
- (9) Provide an approved Commercial Use Permit for the proposed location showing that all requirements of Section 50-107 of the Zoning Ordinance have been met. This shall not be required for renewals unless a change of ownership has occurred in accordance with Section 10-574 (c) (1).

(c) *Issuance.*

- (1) No business license issued under the provisions of this article shall be transferable. Any change in ownership shall require a new business license application with additional license fees. Any existing business licensed under this category that has had a change of ownership occur resulting in the owner listed on the original business license application no longer

controlling at least 51 percent of the interest in the business, it shall be deemed a new business and shall apply for a new business license in accordance with Section 10-574 (b) of the Raytown Municipal Code. If the previous owner's business license expired more than six (6) months prior to the new owner filing business license application to take over control of the business, the new application to change ownership shall not be approved unless the requirements of Municipal Code Section 50-107, pertaining to zoning and location requirements, can be met. This shall also apply if the physical use of a specific location for package liquor sales has ceased for a period of six (6) months or more. ~~If such new business expects to exceed twenty percent of Total Gross Receipts through either smoke and tobacco sales or vaping (e-cigarette) sales, including related paraphernalia, or a combination thereof, it shall first meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to a license being issued. Applicant shall provide an approved Commercial Use Permit for the proposed location at time of application. Failure to meet the requirements for such Commercial Use Permit shall result in denial of the new business license application.~~

(2) Any business license issued under the provisions of this article shall be conspicuously posted or displayed by the applicant during all business operations by such applicant.

(3) No business license shall be issued under the provisions of this article to any person, firm or corporation until all tangible personal property taxes and real estate taxes owing by such applicant, if any, shall have been fully paid.

~~(4) Any existing business licensed under this category that, upon renewal of such license, has transitioned from under 20 percent to 20 percent or more of Total Gross Receipts through either smoke and tobacco sales or vaping (e-cigarette) sales, including related paraphernalia, or a combination thereof, shall meet the requirements of Chapter 50-107 of the Municipal Code as pertains to zoning and location requirements prior to the license being renewed. Applicant shall provide an approved Commercial Use Permit for the business location prior to consideration for renewal. Failure to meet the requirements for such Commercial Use Permit shall result in denial of the business license renewal application.~~

(d) *Fee.* The fee for the business permit in this article shall be based upon the formula for gross annual receipts, as provided by the Schedule of license fees in [section 10-52](#) of the Raytown Municipal Code.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-575. - Restrictions on sale and distribution of tobacco paraphernalia.**

(1) The on-site display, sale or distribution of tobacco paraphernalia to consumers is hereby prohibited except in retail tobacco stores.

(2) No person shall display, sell or distribute tobacco paraphernalia to any person less than 18 years of age.

(3) No person shall display, sell or distribute tobacco paraphernalia except as provided in this section.

(4) All laws and requirements regarding the sale and possession of tobacco and tobacco-related products governed by [chapter 10](#), article III, as well as [chapter 28](#), article XI, [section 28-394](#) of the Raytown Municipal Code shall remain in effect, and shall not be repealed by this ordinance.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-576. - ~~General requirements. Restrictions on sale and distribution of vaping (e-cigarette) paraphernalia.~~**

~~(1) A smoke and tobacco store shall not locate or expand an existing operation within:~~

~~a. 2,640 feet of the boundary of the city;~~

~~b. 2,640 feet of any other property on which another smoke and tobacco shop is located;~~

~~c. 500 feet of any property legally used as a public park, school, church or residence.~~

~~(2) The separation distance shall be measured from or to the outer wall of the smoke and tobacco store, and from or to the property line of the property containing the public park, school, church or residential property.~~

~~(3) Separation distance provisions shall not apply to any smoke and tobacco store that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived, and they have operated continuously under the same business name since that time.~~

~~(4) Notwithstanding any other provision contained within this article, no business license may be issued for a smoke and tobacco store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 5,000 residents based on the last decennial census.~~

~~(Ord. No. 5513-15, § 2, 1-20-2015)~~

~~(1) The on-site display, sale or distribution of vaping (e-cigarette) paraphernalia to consumers is hereby prohibited except in retail vaping (e-cigarette) stores.~~

~~(2) No person shall display, sell or distribute vaping (e-cigarette) paraphernalia to any person less than 18 years of age.~~

~~(3) No person shall display, sell or distribute vaping (e-cigarette) paraphernalia except as provided in this section.~~

**Sec. 10-577. - Applicability.**

The standards of this article apply to tobacco ~~and convenience stores~~ and vaping (e-cigarette) stores, as defined by this ordinance.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Sec. 10-578. - Penalty.**

Any person, firm or corporation violating the provisions of this article shall be guilty of a municipal offense and, upon conviction, shall be subject to the penalties provided in [section 1-22](#). In addition, any violation of this article shall be grounds for the city to revoke any or all licenses or permits issued by the city.

(Ord. No. 5513-15, § 2, 1-20-2015)

**Secs. 10-579—10-585. - Reserved.**

**CHAPTER 50, ARTICLE I. – IN GENERAL**

**Sec. 50-4. - Definitions.**

*Convenience store* means a small retail establishment that is open long hours, typically sells staple groceries, snacks, and beverages, and ~~may~~ shall be primarily engaged in the retail sale of gasoline or other motor fuels (~~contracted to either a nationally branded fuel refiner/distributor or a convenience store chain proprietary brand~~) subject to the approval of a conditional use, along with accessory activities such as the sale of lubricants, accessories and supplies. ~~but~~ This definition shall not include the lubrication of motor vehicles, and the adjustment or repair of motor vehicles. ~~This definition shall not include any business where the primary business activity is the sales of tobacco, tobacco products, vaping/e-cigarette products, and package liquor, or any combination thereof that constitutes a majority of the business activity where sales of gasoline and sundries are incidental. equal 20 percent or more of gross receipts for the convenience store in accordance with Chapter 10, Article 17 of the Raytown Municipal Code. This definition shall not include any type of package liquor sales that equal 20 percent or more of gross receipts for the convenience store in accordance with Chapter 4, Article 4, of the Raytown Municipal Code.~~

(Code 1969, § 16-1; Ord. No. 139, § 1, 7-19-1966; Comp. Ord. of 4-20-2010, §§ 2-1, 11-7; Ord. No. 5571-17, §§ 1, 2, 3-7-2017; Ord. No. 5580-17, §§ 1, 2(Ex. A), 9-5-2017)

**CHAPTER 50, ARTICLE IV. – DISTRICTS AND DISTRICT MAP**

**Sec. 50-107. – Land Use Table.**

(a) *Generally*. The following land use table identifies uses that are either permitted by right, require approval of a conditional use permit or are not allowed in each of the applicable districts. Many of the uses are defined in [section 50-4](#). Any uses that are not defined in [section 50-4](#) shall be given their common meaning.

(1) *Permitted (allowed by right)*. Uses identified in a zoning district column of the Use Table with a "P" are "permitted by-right" and shall be permitted in such zoning district, subject to such special use regulations as may be indicated in the "conditions" column and all other requirements of this article.

(2) *Conditional uses.* Uses identified in a zoning district column of the Use Table with a "C" are "conditional uses" and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of article V of this chapter. Conditional uses shall be subject to such special regulations as may be specified in article V of this chapter and all other requirements of the city Code.

(3) *Not permitted.* Uses not identified in a zoning district column of the Use Table as permitted by-right or by conditional use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of the city Code.

(4) *Conditions.* A letter in the "conditions" column of the Land Use Table refers to standards applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in subsection (b) of this section.

(b) *Land use conditions.* The following standards shall apply to permitted, conditional and accessory uses:

(1) Single-household dwellings, excluding manufactured or mobile homes, shall have a permanent foundation.

(2) Dwellings used for small group living, shall be subject to the following requirements:

a. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.

b. No dwelling used for small group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

c. No traffic shall be generated by such group home between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such group home shall be met by off-street parking areas not located in a required front yard.

d. The dwelling shall meet all requirements of the city's adopted codes relating to the safety of occupants, including, but not limited to building and fire codes.

(3) Churches, chapels, mosques, synagogues and temples shall be located on a minimum of a one acre size lot, if located in accordance with at least one of the following:

a. On a lot having a sideline common to a public park, playground, or cemetery, or directly across a street from any one of combination of said uses.

b. On a corner lot having a minimum of 100 feet frontage on one side.

c. On a lot three sides of which adjoin streets.

(4) Golf courses shall be:

- a. Used for daytime use only, including accessory clubhouses and related daytime driving ranges. This requirement shall not be applicable to independent golf driving ranges, pitch and putt or miniature golf courses.
  - b. Placed on lots greater than one acre.
- (5) a. Residential accessory uses, including automobile parking areas, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business or industry, are permitted. Such accessory uses shall not include raising animals, with the exception that one horse per 40,000 square feet lot may be kept in a detached stable. Detached accessory structures should be at least five feet from any property line. Accessory buildings shall not exceed 720 square feet.
- b. Accessory buildings and uses in the NC districts that are customarily incidental to the above permitted uses are allowed, provided there shall be no manufacture, processing or compounding of products other than such that are customarily incidental and essential to such permitted use. Accessory buildings and uses shall be constructed in a style and manner similar to the principal building or use.
  - c. In the HC district, accessory buildings and uses customarily incidental to the above uses if they are constructed in a style and manner similar and sympathetic to a principal building or use.
  - d. Land in the HC district that is adjacent to a district in which a single-household home is permitted, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level.
  - e. In the HC district, automobile sales and automobile service stations engaged in the sale of gasoline and oil, open display may be permitted of merchandise commonly sold by automobile service stations (e.g., oil, batteries, tires, wiper blades, etc.). No permanent open display will be permitted on sidewalks or public rights-of-way. Such display will be adequately screened from adjacent residential property.
  - f. In the Town Square Overlay District, no article or material stored or offered for sale shall be stored or displayed outside the confines of a building unless otherwise approved by the board of aldermen as part of a development plan or is otherwise permitted by a temporary permit governed by [section 50-15](#).
- (6) Private swimming pools, if more than two feet deep, shall be subject to the following conditions and requirements:
- a. They must be located behind the front building line and not less than ten feet from any rear or side lot line, and in the case of corner lots, not less than 15 feet from a side street line and at least 20 feet from a principal building on an adjoining lot.
  - b. If located in the side yard, they shall not be less than 40 feet from the front line and not less than 15 feet from the side lot line.

c. The area in which the pool is located shall be entirely enclosed and separated from adjoining property by a protective fence or other permanent structure of a non-climbable variety at least four feet in height but less than six feet in height.

d. Such protective enclosures shall be provided with gates equipped with locks, which shall be locked when the pool is not attended.

e. Adequate pool drainage facilities shall be provided for which the plans and specifications shall be approved by the director of community development and public affairs or some other duly qualified individual.

(7) Home occupations shall be subject to the following use standards:

a. Said use shall be conducted solely within the confines of the main dwelling and shall not exceed 25 percent of the floor area.

b. Garages or carports, whether attached or detached, shall only be used for the storage of automobiles related to the home occupation.

c. All materials, equipment and samples associated with such home occupation shall be stored completely within the dwelling.

d. No alterations or additions shall be made to a dwelling or accessory structure for business or commercial purposes which will alter the residential appearance of such dwelling.

e. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation.

f. Permitted home occupations shall not include the employment of any persons not residing on the premises.

g. No traffic shall be generated by such home occupation between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off-street parking areas not located in a required front yard.

h. The home occupation shall not cause the elimination of required off-street parking.

i. No uses that create excessive illumination, noise, odor, dust, vibration, air pollution, water pollution or conflict with the use of adjacent property for residential uses are permitted.

j. A family day care home may be operated as a home occupation, subject to the following conditions:

1. The family day care must be operated by a person who resides in the single-family dwelling.

2. Care is provided to no more than five children not related to the day care provider, at any one time.

3. At least 500 square feet of contiguous, compact outside play area in the rear yard of the premises must be available for outside recreation of children.
  4. Play area must be enclosed with a fence at least 60 inches in height.
  5. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.
  6. Any body of water, natural or manmade, must be fenced and secured in accordance with this Code.
  7. No family day care home shall be located within 1,200 feet of any other type of day care, as measured from nearest property line to nearest property line.
- k. An adult day care may be operated as a home occupation, subject to the following conditions:
1. The adult day care must be operated by a person who resides in the single-family dwelling.
  2. Care is provided for no more than five adults at any one time. An adult day care participant, who is not mentally or physically capable of negotiating a normal path to safety, shall count as three persons. The city may request a statement from a physician that a participant is mentally and physically capable of negotiating a normal path to safety. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
  3. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible.
  4. Rear yard must be enclosed with a fence at least 60 inches in height.
  5. An off-street, unobstructed, paved parking area for the pick up and drop off of adults must be provided.
  6. No adult day care home shall be located within 1,200 feet of any other type of day care, as measured fm nearest property line to nearest property line.
- l. The following uses are specifically prohibited as home occupations:
1. Retail or wholesale sales;
  2. Sales to the public on the premises not incidental thereto;
  3. Equipment rental;
  4. Sale of any parts;
  5. Lawnmower, appliance equipment and machinery repair;
  6. Automobile and other motor vehicle repair services and/or sales; and
  7. Uses requiring the storage or use of highly flammable, toxic or other hazardous materials.

Specifically prohibited home occupations may receive a home occupancy accessory use permit from the board of zoning adjustment.

m. A home occupation permit shall be issued to the applicant, and the same shall not be transferable or assignable, nor shall it be contained on the subject property after the use shall have been discontinued or abandoned for a period of 60 days.

n. Home occupations established prior to the enactment of these regulations will continue to be subject to the zoning regulations in effect on the date that the home occupation was commenced. A home occupation permit subject to the provisions of these zoning regulations will be required after the discontinuance or abandonment of such a home occupation.

(8) Two-household condominium dwellings as long as they are provided with separate utility connections and are constructed with appropriate zero lot line coverage.

(9) A residential care facility or a dwelling used for large group living, subject to the following requirements:

a. At least 500 square feet of contiguous, compact outside recreation area must be provided for every five residents.

b. The recreation area must be fenced with a fence at least 60 inches in height.

c. Parking. Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.

d. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.

e. No traffic shall be generated by residential care facilities or a dwelling used for large group living between the hours of 10:00 p.m. and 6:00 a.m. in greater volumes than would normally be expected in a residential neighborhood.

f. No dwelling used for large group living shall be located within 1,200 feet of another dwelling used for group living, large or small, or a residential care facility, as measured from the nearest property line to the nearest property line.

g. No residential care facility may be located within 1,200 feet of another residential care facility, or a dwelling used for group living, large or small, as measured from the nearest property line to the nearest property line.

h. All other requirements of the R-3 district shall be met.

i. Any residential care facility or dwelling used for large group living must be licensed by the State of Missouri, if applicable.

j. In Districts R-1 and R-2, no more than 16 total residents shall be cared for at any one time.

k. In Districts R-1 and R-2, the applicant must demonstrate that the use will be consistent with the residential character of the neighborhood by presenting information regarding:

1. The number of residents.
2. The number of employees.
3. The number of additional vendors or service providers anticipated to visit the home each day, week, and month including but not limited to pharmacy deliveries, barbers, therapists, doctors, food deliveries, transportation of residents, and special activity providers.
4. The total number of vehicle trips to and from the home per day, including all of the above.

(10) Any such store or shop must not produce more noise, odor, dust, vibration, blasting or traffic than specifically permitted by these regulations and city policy.

(11) An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

(12) a. At least 500 square feet for every five children, of contiguous, compact outside play area must be provided for outside recreation of children.

b. The play area must be fenced with a fence at least 48 inches in height.

c. An off-street, unobstructed, paved parking area for the pick up and drop off of participants must be provided.

d. Any body of water, natural or man-made, must be fenced and secured in accordance with the Raytown Code of Ordinances.

(13) a. In the industrial district, the entire operation shall be conducted within a fire-rated building or buildings, completely enclosed by walls and roof except that loading docks, service areas and outdoor storage areas may be located outside of a building or buildings, in compliance with the terms of article III, division 7 of this chapter.

b. The activity shall create no noise in excess of that of normal daily traffic measured at the lot line of the premises.

c. The activity shall create no vibration for a period longer than three minutes in any one hour that is perceptible at the lot line of the premises.

d. The activity shall create no dust, dirt, odor or obnoxious gasses, heat and unscreened glare that is perceptible at the lot line of the premises.

e. The activity shall be free from fire hazards and excessive industrial wastes.

f. Each industrial area shall have its own system of streets so that the traffic generated by any industrial use shall flow directly onto a street within the area zoned for industry, hence to empty on any street bordering such area.

(14) All residential units shall be located on floors levels above the first story unless otherwise approved as part of a development plan by the board of aldermen.

- (15) a. Adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters may be located in a commercial district (NC or HC) or industrial district (M) but not within 500 feet of any residential district with an R in its designation (R-1, R-2 or R-3).
- b. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 1,000 feet of any other similar use.
- c. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be allowed to locate or expand within 500 feet of any school, religious institution or public park within the city.
- d. The distance between any two adult entertainment establishments, adult book stores, adult motion picture theaters or adult mini-motion picture theaters shall be measured in a straight line, without regard to intervening structures, from the closest exterior structure wall of each business.
- e. The distance between any adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater and any religious institution, school, public park or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater to the closest property line of the religious institution, school, public park or the property zoned for residential use.
- f. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be conducted in any manner that permits the observation of any material depicting, describing or relating to a specified sexual activities or a specified anatomical areas, as defined by these regulations, by display decoration, sign, show window or other opening from any exterior source.

(16) Reserved.

(17) The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land, and other physical facilities shall be reviewed and approved by the planning commission prior to the issuance of a building permit.

(18) a. Junk yard or salvage yard shall occupy a minimum lot size of ten acres.

b. All such uses shall be located at least 300 feet from a boundary line or 500 feet from a boundary line if the property adjoins land in districts Low Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3) and Elderly Housing Residential District (RE).

c. All such uses shall be completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be maintained so as to ensure maximum safety to the public, obscure the junk or salvage from normal view of the public and preserve the general welfare of the neighborhood. The fence or

wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.

d. No materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the fence or wall.

e. No hazardous or toxic materials shall be stored or handled in a junkyard or salvage yard unless they are located in such uses on a temporary basis not to exceed 90 days until other disposal can be arranged.

(19) a. The kennel shall occupy a minimum lot size of five acres.

b. No kennel building or runs shall be located nearer than 200 feet to any property line.

c. All kennel runs or open areas shall be screened completely from view around such areas or at the property lines to prevent the distraction or excitement of the animals.

d. All kennel runs shall be surrounded by a fence of at least eight feet in height.

e. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

f. All state licensing and operation requirements are met.

(20) Riding stable (private) shall not be located less than 100 feet from the front lot line or less than 30 feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each 40,000 square feet of lot area, provided however, there is a minimum lot size of two acres, and further provided, however, that when any such stable exists and/or animals as herein provided for are kept, the owner or keeper shall cause the premises to be kept and maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

(21) No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district with "R" in its title.

(22) Temporary uses. The following temporary uses of land are permitted in each district unless specifically restricted to particular districts and are subject to the regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted.

a. *Carnivals and circuses.* Permits for may be approved with conditions by the director of community development and public affairs. Such uses need not comply with the bulk or lot-size requirements, provided that structures or equipment that might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curb line of any two streets.

b. *Christmas tree sales.* Allowed in any business or industrial district for a period not to exceed 45 days. Display of Christmas trees need not comply with the yard and setback requirements of

these regulations; provided that no trees shall be placed in such a manner as to obstruct the vision of traffic within 30 feet of the intersection of the curb line of any two streets.

c. *Garage sales, yard sales and rummage sales.* Periodic conduct of what is commonly called garage or yard or rummage sales that do not exceed a period of more than five days or on more than four occasions during any calendar year.

(23) The annual production of beer by a craft brewery shall not exceed six million barrels.

(24) The following additional criteria shall apply to all businesses classified by Municipal Code Section 10-573 as Tobacco or Vaping/E-cigarette Sales Stores:

- a. Such uses shall not locate ~~or expand an existing operation~~ within:
  - 1. 2,600 feet of any other property on which another smoke and tobacco or vaping (e-cigarette) store is located;
  - 2. ~~1,000~~ 100 feet of any property legally used as a public park, school, or church.
  - 3. 150 feet from a residential zone.
- b. The separation distance shall be measured from the primary entrance of the smoke, tobacco, or vaping/e-cigarette store, and from or to the property line of the property containing the public park, school, church or residential property.
- c. Separation distance provisions shall not apply to any smoke, tobacco, or vaping/e-cigarette store that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived. ~~and they have operated continuously under the same business ownership since that time.~~

(25) The following additional criteria shall apply to all businesses classified by Municipal Code Section 4-109 or 4-110 as Full Original Package or Malt Liquor Original Package Liquor Stores ~~(Excludes stores with licenses in either category where total liquor sales are less than 20% of gross receipts):~~

- a. Such uses shall not locate ~~or expand an existing operation~~ within:
  - 1. Highway Commercial zone: 1,000 feet of any other property on which another package liquor store is located;
  - 2. Neighborhood Commercial zone: 2,600 feet of any other property on which another package liquor store is located;
  - 3. 100 feet of any property legally used as a public park, school, or church.
  - 3. 150 feet from a residential zone.

b. The separation distance shall be measured from the nearest outer wall of the package liquor sales store, and from or to the property line of the property containing the public park, school, church or residential property.

c. Separation distance provisions shall not apply to any package liquor sales store that can demonstrate that they were in operation at the location requested in the business license application prior to the effective date of the ordinance from which this article is derived. ~~and they have operated continuously under the same business ownership since that time.~~

d. ~~Notwithstanding any other provision to the contrary, no use permit or business license shall be issued for a package liquor sales store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 5,000 residents, or fraction thereof, based on the last decennial census.~~

(26) Convenience Stores shall meet the definition of such stores contained within Municipal Code Section 50-4. If such store does not meet the definition, then the use classification shall be the primary contributor to gross receipts of the business and shall meet all code requirements thereof.

(Ord. No. 5498-14, § 2A—C, 7-15-2014; Ord. No. 5579-17, §§ 1, 2(Exh. A), 9-5-2017; Ord. No. 5575-17, § 1, 5-2-2017)



USES	ZONING DISTRICTS														Conditions		
	Residential Districts						Nonresidential Districts						Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP		AE	
Auditorium or Stadium							P		P				P				(13)
Auditoriums																	
Bakery, Retail					P	P			P								(10), (11)
Bed and breakfast homes with or without a related tearoom	C	C	C														
Boat Sales							C	C									
Camps									P				P				
Car Wash					C	C	C	C					P				(13)
Cemeteries, crematories and mausoleums	C	C	C	C	C	C	C	C									
Churches, chapels, mosques, synagogues, temples and other places of religious assembly	P	P	P	P	P	P	P	P	P				P				(3), (10), (11)
College or University							P		P				P				(13)

ZONING DISTRICTS																
USES	Residential Districts					Nonresidential Districts					Overlay Districts				Conditions	
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP		AE
Commercial and retail uses that are not permitted by district regulations					C	C	C	C								
Communications towers	C	C	C	C	C	C	C	C								(16)
Condominium dwelling containing more than two household condominium dwellings			C									P	P			(17)
Construction Sales and Service											P					(13)
Convenience Stores					P	P	P	P	P			P				(13),(26)
Craft Brewery					C	P	P									
Cultural Service							P	P				P				(13)
Dance halls, discotheques, and night clubs					C	C										
Day care center					P							P				(12)

**ZONING DISTRICTS**

USES	ZONING DISTRICTS													Conditions			
	Residential Districts					Nonresidential Districts					Overlay Districts						
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD		HP	AE	
Dormitories and fraternity or sorority houses		C	C														
Drive-In Theater						P		P				P					(11)
Drive-through restaurants					P	P											
Dwelling, Large group living	C	C	P		P			P				P					(9)
Dwelling, Small group living	P	P	P					P		P		P					(2)
Exhibit hall					C			C									
Financial institutions					P	P											
Food/Bakery Product Manufacturing											P						
Fortune Tellers, palm readers, psychics, tarot card readers and similar uses						C											
Foster homes	P	P	P									P					
Fraternal club, service club, private club and/or tavern	C	C	C	C	C	C	C	C									
Golf course	P	P	P				P					P					(4), (13)



USES	ZONING DISTRICTS																
	Residential Districts						Nonresidential Districts						Overlay Districts				
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	Conditions	
Manufactured home without a permanent foundation				P					P			P				(13)	
Manufacturing and Assembly							P		P			P				(13)	
Mobile Homes				P					P			P					
Modular Home	P	P	P	P													
Mortuaries					P	P			P			P			P	(11)	
Motorcycle sales and service						P			P			P			P	(11)	
Multi-household buildings			P						P			P	P				
Multi-household dwellings (i.e., communes)	C	C	C	C	C	C	C										
Museums	C	C	C	P					P			P					
Nursery or Garden Center						P			P			P			P	(11)	
Offices					P	P			P			P			P	(11)	
Outdoor Gun Clubs						C											
Outdoor Storage Uses						C	C										
Parking Lot, Commercial							P		P			P				(13)	





USES	ZONING DISTRICTS																	Conditions
	Residential Districts					Nonresidential Districts							Overlay Districts					
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE			
Schools, private or parochial and non-profit	C	C	C	C	C	C	C	C										
Service stations					C	C												
Single-household dwellings	P	P	P					P			P	P					(1)	
Tobacco or Vape/E-cigarette Product Sales					P	P											(24)	
Studio, Television or Film							P	P				P					(14)	
Swimming pools, public or commercial					C													
Tattoo parlors and body-piercing businesses					C	C												
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(22)	
Transit Facility							P	P	P	P	P	P					(14)	
Two-household condominium dwellings		P	P					P				P					(9), (15)	
Two-household dwellings		P	P					P				P					(9), (15)	



**CITY OF RAYTOWN  
PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
MINUTES**

**January 16, 2020  
7:00 pm**

**Raytown City Hall  
Board of Aldermen Chambers  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133**

**1. Welcome by Chairperson**

**2. Call meeting to order and Roll Call**

Wilson:	Present	Thurman:	Present	Emerson:	Present
Bettis:	Absent	Robinson:	Present	Frazier:	Present
Stock:	Present	Dwight:	Present		

**3. Approval of Minutes: Minutes of January 2, 2020, approved 7-0 as amended to reflect year changed from 2019 to 2020 upon motion by Emerson and second by Frazier.**

**4. New Business**

**A. Case No.: PZ 2019-12: City-Initiated Application to Amend Municipal Code Chapter 4, "Alcoholic Beverages", Chapter 10, "Business and Business Regulations", and Chapter 50, Article IV, "Districts and District Map".**

**1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney.

**2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

**3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

**4. Staff Presentation of proposed Text Amendments.**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report on proposed amendments to Chapter 4, Chapter 10, and Chapter 50 regarding text amendments to regulate the types of uses contained in the moratorium passed by the Board of Aldermen in May, 2019. Mr. Gilbert reviewed the changes made since the November 21<sup>st</sup> Planning Commission meeting regarding how the proposed changes would affect existing businesses.

Planning Commission discussion with questions for staff.

Mr. Frazier motioned with second by Ms. Stock to add “and Chapter 50, Article I” to the title due to amending the definition of Convenience Store in that section of Chapter 50. Motion passed 7-0.

**5. Request for Public Comment by Chairman.**

No members of the public were present to provide comment.

**6. Commission Discussion.**

Planning Commission discussion with questions for staff.

**7. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Chris Gilbert provided the staff recommendation to recommend approval of the text amendments to the Board of Aldermen.

Ms. Stock moved and Mr. Frazier seconded to recommend approval as recommended in the staff report. Motion passed 6-0.

**5. Other Business- None.**

**6. Set Future Meeting Date – Next regular meeting on February 6, 2020, with two CUP applications for auto sales to be on the agenda.**

**7. Adjourn at 7:30 PM upon motion by Ms. Dwight and second by Ms. Emerson.**

**CITY OF RAYTOWN**  
**Request for Board Action**

**Date:** January 30, 2020 **Bill No.:** 6543-20  
**To:** Mayor and Board of Aldermen **Section No.:** XIII  
**From:** Chris Gilbert, Planning & Zoning Coordinator

**Department Head Approval:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_ (only if funding is requested)

**City Administrator Approval:** \_\_\_\_\_

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**Action Requested:** Board of Aldermen consideration and approval of a Conditional Use Permit authorizing an Office/Warehouse use at 10012 E. 64<sup>th</sup> Street in a Neighborhood Commercial (NC) zoning district.

**Recommendation:** Staff recommends approval as submitted. The Planning & Zoning Commission voted (6-0) to recommend approval of the Conditional Use Permit with all conditions as contained in the staff report.

**ANALYSIS:** The subject building has been occupied by the applicant's business, DMK Distributors, since early 2018 when the applicant purchased the building. Prior to the applicant acquiring the property, it was occupied by Egerstrom, Inc. dating back to 1999 and for a short period of time also co-occupied by Party Time Foods, LLC from 1999 to 2002. These prior businesses were licensed during their years of operation, with Egerstrom last being licensed in June, 2017. The current business has not been licensed and is pursuing this CUP to get properly licensed. The building, built in 1972, has a two story office area in front and a high ceiling warehouse in back. The east side of the property contains the parking area with a loading dock toward the north end. There is no licensed use of the building at present. The operating business in the building, DMK Distributors, deals in non-perishable grocery products that are distributed to various area grocery stores.

Conditions of approval were attached to the Conditional Use by staff and concurred with by the Planning Commission. These conditions are stated in the attached Ordinance. The applicant has agreed to all the Conditions. The property is in reasonable condition at present, so these conditions are relatively minor.

**Alternatives:** Alternatives to the recommendation of the Planning & Zoning Commission would be to approve, conditionally approve, or deny the Conditional Use Permit.

**Budgetary Impact:**

Not Applicable

**Additional Reports Attached:**

- Ordinance
- Staff Report from January 2, 2020, Planning & Zoning Commission meeting
- Minutes of the January 2, 2020, Planning Commission meeting

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR DMK DISTRIBUTORS TO OPERATE AN OFFICE/WAREHOUSE USE AT 10012 E. 64<sup>th</sup> STREET IN A NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI**

**WHEREAS**, Application PZ-2020-01, submitted by David Hull of 13311 W. 116<sup>th</sup> Terr., Overland Park, Kansas, owner of DMK Distributors, for approval of a Conditional Use Permit for an Office/Warehouse use at 10012 E. 64<sup>th</sup> Street within a Neighborhood Commercial (NC) Zone in the City of Raytown, Jackson County, Missouri, was referred to the Planning Commission; and

**WHEREAS**, the Planning Commission considered the application on January 2, 2020, and by a vote of 6 in favor and 0 against rendered a report to the Board of Aldermen recommending that the Conditional Use Permit be approved; and

**WHEREAS**, the Board of Aldermen considered the application on February 4, 2020, and February 18, 2020, and finds and declares that the provisions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public safety, health, and general welfare of persons in the City of Raytown and rendered a decision to approve the Conditional Use Permit.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:**

**SECTION 1 – APPROVAL OF CONDITIONAL USE PERMIT.** That the Conditional Use Permit for DMK Distributors to operate an Office/Warehouse use at 10012 E. 64<sup>th</sup> Street, is hereby approved.

**SECTION 2 – CONDITIONS OF APPROVAL.** That the Conditional Use Permit for DMK Distributors to operate an Office/Warehouse use at 10012 E. 64<sup>th</sup> Street be approved subject to the following conditions as contained in the staff report and as approved by the Planning Commission:

1. The Parking lot shall be maintained in good condition at all times. Any potholes that develop shall be filled immediately as they appear, with consideration for time of year.
2. Parking lot shall be properly striped with parking spaces along the east side of the lot with 9 ft x 19.5 ft spaces to accommodate all employees. Spaces shall include a single handicapped parking space accessible to the main entrance of the building that is 8 ft x 19.5 ft with an 8 ft x 19.5 ft striped unloading zone and shall have a pole sign in front of the space with the international symbol of accessibility and “van accessible” upon it.
3. Ensure the entire building exterior is maintained in good condition at all times. This includes, doors, windows, window canopies, and bay doors.
4. Ensure the site is maintained in good condition at all times. All junk, trash, and debris that is dumped or blows onto the site shall be removed immediately. Keep all grass and weeds trimmed at all times.

- 5. All signage shall be issued under separate permit process and shall meet Municipal Code requirements.
- 6. Any trash dumpster placed on site needs to be screened unless stored indoors except on trash pickup day. Such enclosure shall have a proper gate that can be accessed by the trash truck and also screen the container from view at all times. A dumpster may also be placed inside a fully screened vehicle storage area if such is required or voluntarily installed.
- 7. No Commercial Use Permit will be issued until all applicable requirements of this section have been met. Once these items are met and the Commercial Use Permit is issued, the applicant shall immediately apply for a business license.
- 8. All conditions of approval shall be met by no later than 30 days following approval of the Ordinance by the Board of Aldermen. Failure to meet these conditions, acquire a Commercial Use Permit, and apply for a Raytown Business License by the expiration of this 30-day period can result in further action taken by the City including the issuance of a Municipal Court summons.
- 9. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

**SECTION 3 – REPEAL OF ORDINANCES IN CONFLICT.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4 – SEVERABILITY CLAUSE.** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 5 – EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED** and **ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this \_\_\_\_\_ day of February, 2020.

\_\_\_\_\_  
Michael McDonough, Mayor

ATTEST:

Approved as to Form

\_\_\_\_\_  
Teresa M. Henry, City Clerk

\_\_\_\_\_  
Jennifer M. Baird, City Attorney



# Staff Report

Community Development  
Planning and Development Services

**PZ 2020-01**

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: January 2, 2020

Re: Application for Conditional Use Permit

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## CONDITIONAL USE PERMIT APPLICATION SUMMARY

Applicant: David Hull, DMK Distributors

Property Owner: David Hull

Property Location: 10012 E. 64<sup>th</sup> Street

Request: Conditional Use Permit approval for an office/warehouse use

The applicant, David Hull, is requesting Conditional Use Permit (CUP) approval for an existing unlicensed office/warehouse use in a Neighborhood Commercial (NC) zoning district. Per the city's land use table, office/warehouse type uses can only be conditionally approved in this zoning district using the use category of "Commercial and Retail Uses that are not Permitted by District Regulations".



Figure 1 – Surrounding Zoning and Location Map



# Staff Report

Community Development  
Planning and Development Services

## SURROUNDING ZONING AND LAND USES

Property's Zoning Classification	Neighborhood Commercial (NC)
Surrounding Properties' Zoning	Neighborhood Commercial (NC)
Surrounding Overlay	None
Surrounding Land Use	Commercial and Non-Conforming Residential
Designated Future Land Use	Commercial
Ward	Ward 2
Approximate Land Area	0.38 Acres
Roadway Classification	Local

## SITE DESCRIPTION, HISTORY, AND PRESENT USE

The building has been occupied by the applicant's business, DMK Distributors, since early 2018 when the applicant purchased the building. Prior to the applicant acquiring the property, it was occupied by Egerstrom, Inc. dating back to 1999 and for a short period of time also co-occupied by Party Time Foods, LLC from 1999 to 2002. These prior businesses were licensed during their years of operation, with Egerstrom last being licensed in June, 2017. The current business has not been licensed and is pursuing this CUP to get properly licensed. The building, built in 1972, has a two story office area in front and a high ceiling warehouse in back. The east side of the property contains the parking area with a loading dock toward the north end. There is no licensed use of the building at present. The operating business in the building, DMK Distributors, deals in non-perishable grocery products that are distributed to various area grocery stores.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The structure is surrounded by commercial development and some non-conforming residences. The business sits just off of Raytown Road in the downtown area across the street from Henry's Automotive. Several other vehicle oriented businesses exist to the west along the east side of Raytown Road and to the east are some homes converted to businesses and some remaining owner-occupied homes, all within the Neighborhood Commercial District. The building is not within the Central Business District Overlay.

## PUBLIC COMMENTS

The public notice was published in *The Daily Record* on December 9, 2019. Public notice letters were sent to property owners within 185 feet of the property. To date, the Community Development Department has received no letters/calls regarding this application.

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## ANALYSIS

Evaluating an application for a conditional use permit requires consideration to be given by the City to the health, safety, morals, comfort and general welfare of the inhabitants of the City, including but not limited to, the following factors:



# Staff Report

Community Development  
Planning and Development Services

## **1. Stability and integrity of the various zoning districts**

The parcel and all adjacent lots are zoned Neighborhood Commercial (NC). This zoning district is designed to accommodate commercial activities that service smaller, more local, neighborhood-oriented businesses. There is excellent access to the property from 64<sup>th</sup> Street and Raytown Road, with 63<sup>rd</sup> Street, an arterial roadway, just a block up. The building is designed for office and warehouse type use, for which it is currently being used and was built for in 1972. Operation of the proposed use in compliance with the recommended conditions of approval, can be accomplished with minimal negative impacts.

## **2. Conservation of property values**

No negative change to neighboring property values is expected. Requirements are being added as conditions of approval that would significantly contribute to the vitality of the downtown area, which continues to struggle with a number of vacant commercial buildings.

## **3. Protection against fire and casualties**

Staff has no concerns regarding fire and/or casualties on this project. The structure is fairly modern and is still in decent repair. The building has multiple exits in case of fire.

## **4. Observation of general police regulations**

The proposed business is not anticipated to violate any general police regulations. All parking is contained on site and no anticipated normal activities by the business on the property should elicit a police response.

## **5. Prevention of traffic congestion**

The proposed business is a small operation and will not increase traffic congestion above what is normal for the vicinity. With Raytown Plaza Shopping Center, the Downtown area, Raytown Road, and 63<sup>rd</sup> Street nearby, the business should not generate excessive traffic that can't be handled by the good street system in close proximity.

## **6. Promotion of traffic safety and the orderly parking of motor vehicles**

The proposed business will not affect traffic safety, nor the orderly parking of motor vehicles. Adequate access to the property is presently available directly from 64<sup>th</sup> Street. There is sufficient space to permit customer parking (if necessary) on the east side of the building where a fully paved parking lot already exists. A single handicapped parking space is required close to the main entrance. The truck loading dock is next to the building on the north end of the east side and should not interfere with normal traffic movement on the site.

## **7. Promotion of the safety of individuals and property**

The proposed business will not affect the safety of individuals or property outside of what the basic operation of a warehouse can cause due to accidents and injuries, but these would be OSHA addressed in any case. The structure is in reasonable condition and not anticipated to be a threat to the employees.

## **8. Provision for adequate light and air**

The proposed business will not significantly affect the air quality of the area above what is normal for the area, and should have no additional impact on neighboring properties.



# Staff Report

Community Development  
Planning and Development Services

## **9. Prevention of overcrowding and excessive intensity of land uses**

The proposed business will not affect the intensity of land uses in the area. The building has existed as, and been used as, an office/warehouse since 1972 and the downtown area of Raytown is already underutilized from an intensity of use standpoint with a number of vacant buildings so the overall effect of this business will only make the area appear less underutilized.

## **10. Provision for public utilities and schools**

The proposed business will not affect any public utilities or schools but may generate some additional revenue in return once the business is properly licensed and appropriate revenues are collected by the City. The business will occupy an existing structure already connected to utility services.

## **11. Invasion by inappropriate uses**

Staff does not view the proposed business as an inappropriate use at this location. It was originally constructed as, and has been, utilized as an office/warehouse facility for decades and the proposed business would continue that use at the same level of intensity and at a lesser intensity than several surrounding automotive repair businesses like Henry's Automotive.

## **12. Value, type and character of existing or authorized improvements and land uses**

The property on which the proposed business would be located is fully developed. Staff has provided recommended conditions of approval to ensure compliance.

## **13. Encouragement of improvements and land uses in keeping with overall planning**

Staff has no concerns regarding the proposed business adhering to overall planning principles if the recommended conditions of approval are adopted.

## **14. Provision for orderly and proper renewal, development and growth**

The proposed business should not affect the orderly and proper renewal, development or growth of the city. The applicant's use of the building, combined with the recommended conditions of approval will contribute to the orderly renewal of the city. If the application is not approved, the possibility exists that the building would become vacant and stay vacant for an extended period of time. This would not be beneficial to the city given the already elevated vacancy rate throughout the downtown Raytown area.

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## **RECOMMENDATION**

Staff recommends approval of Case No. PZ 2020-01 – Conditional Use Permit for an office/warehouse use, DMK Distributors, located at 10012 E. 64<sup>th</sup> Street, be approved with the following conditions of approval:

1. Parking lot shall be maintained in good condition at all times. Any pot holes that develop shall be filled immediately as they appear, with consideration for time of year.
2. Parking lot shall be properly striped with parking spaces along the east side of the lot with 9 ft x19.5 ft spaces to accommodate all employees. Spaces shall include a single handicapped parking space accessible to the main entrance of the building that is 8 ft x



# Staff Report

Community Development  
Planning and Development Services

- 19.5 ft with an 8 ft x 19.5 ft striped unloading zone and shall have a pole sign in front of the space with the international symbol of accessibility and "van accessible" upon it.
3. Ensure the entire building exterior is maintained in good condition at all times. This includes, doors, windows, window canopies, and bay doors.
  4. Ensure the site is maintained in good condition at all times. All junk, trash, and debris that is dumped or blows onto the site shall be removed immediately. Keep all grass and weeds trimmed at all times.
  5. All signage shall be issued under separate permit process and shall meet Municipal Code requirements.
  6. Any trash dumpster placed on site needs to be screened unless stored indoors except on trash pickup day. Such enclosure shall have a proper gate that can be accessed by the trash truck and also screen the container from view at all times. A dumpster may also be placed inside a fully screened vehicle storage area if such is required or voluntarily installed.
  7. No Commercial Use Permit will be issued until all applicable requirements of this section have been met. Once these items are met and the Commercial Use Permit is issued, the applicant shall immediately apply for a business license.
  8. All conditions of approval shall be met by no later than 30 days following approval of the Ordinance by the Board of Aldermen. Failure to meet these conditions, acquire a Commercial Use Permit, and apply for a Raytown Business License by the expiration of this 30 day period can result in further action taken by the City including the issuance of a Municipal Court summons.
  9. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

Case Number \_\_\_\_\_

Date Received \_\_\_\_\_

Map Page \_\_\_\_\_

CITY OF RAYTOWN  
APPLICATION FOR CONDITIONAL USE PERMIT

PART I Background Information

1. This request applies to property at the following address:  
10012 E. 64<sup>th</sup> STREET RAYTOWN, MO 64133

2. The name(s), address(es), and phone number(s) of the property owners: (As listed on the deed)

Name	Address	Phone
<u>DAVID HULL</u>	<u>13311 W. 116<sup>th</sup> TERR. OVERLAND PARK, KS 66210</u>	<u>913-709-5597</u>

3. We, the property owner(s), do hereby appoint the following person as our agent during consideration of our request:

Name	Address	Phone/Email

4. The property is currently being used for the following purposes:

AS A WAREHOUSE

5. Zoning classification of the property: \_\_\_\_\_

6. Specify the use desired for the property: AS A WAREHOUSE

7. Please list all existing structures and their heights located on the property:

Structure	Height
<u>SINGLE STRUCTURE</u>	<u>25 ft.</u>

8. We, the undersigned, do hereby authorize the submission of this application and associated documents, and do hereby certify that all the information contained therein is true and correct. (Signatures of property owners)

David Hull

**PART II Conditional Use Permit Information**

In considering an application for a conditional use permit, the city shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

1. The stability and integrity of the various zoning districts;
2. Conservation of property values;
3. Protection against fire and casualties;
4. Observation of general police regulations;
5. Prevention of traffic congestion;
6. Promotion of traffic safety and the orderly parking of motor vehicles;
7. Promotion of the safety of individuals and property;
8. Provision for adequate light and air;
9. Prevention of overcrowding and excessive intensity of land uses;
10. Provision for public utilities and schools;
11. Invasion by inappropriate uses;
12. Value, type and character of existing or authorized improvements and land uses;
13. Encouragement of improvements and land uses in keeping with overall planning; and
14. Provision for orderly and proper renewal, development and growth.

The information provided by the applicant to the following questions is an opportunity to justify approval of a conditional use permit based on the above listed factors.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed conditional use will be in keeping with the character of the neighborhood because:

IT WAS A WAREHOUSE BEFORE WHICH WAS IN KEEPING WITH THE CHARACTER OF THE NEIGHBORHOOD. NOTHING WILL CHANGE WITH THE USE.

B. The proposed use will be consistent with the uses and zoning on nearby parcels because:

IT WAS CONSISTENT WITH THE USES AND ZONING OF NEARBY PARCELS BEFORE. NOTHING WILL CHANGE WITH THE USE.

C. This property is more suited for the proposed use than its current uses because:

THE USE OF THE PROPERTY WILL BE THE SAME AS BEFORE.

D. The proposed conditional use could have <sup>PROPERTY</sup> any detrimental effects on nearby parcels:

THE USE OF THE <sup>PROPERTY</sup> SHOULD HAVE NO DETRIMENTAL EFFECT ON NEARBY PARCELS AS IT WILL BE USED AS WAS PREVIOUSLY USED.

E. Prior to submitting this application, the property has been vacant for:

HAS NOT BEEN VACANT.

F. If the application is denied, the property owner(s) will face the following hardships:

LOSS OF USE FOR A WAREHOUSE FOR PRODUCTS AND POSSIBLE INCOME.

G. Public facilities and utilities are adequate to serve the proposed use as follows:

PUBLIC FACILITIES AND UTILITIES HAVE SERVED PREVIOUS USE ADEQUATELY. THE USE WILL BE THE SAME.

H. Additional comments:

I WOULD APPRECIATE YOUR APPROVAL OF THE PERMIT.

File No.: 101241

**MISSOURI WARRANTY DEED**  
(Corp/LLC/Partnership Conveying to Corp/LLC/Partnership)

THIS INDENTURE, made on this 12<sup>th</sup> day of January, 2018, by and between Egerstrom Properties LLC, duly organized under the laws of the State of Missouri of the County of Jackson, State of Missouri, hereinafter referred to as "Grantor", and DMK Distributors, Inc. a Missouri Corporation, of the County of Jackson, State of Missouri, hereinafter referred to as "Grantee". The mailing address of the Grantee is 106 E 63rd Kansas City MO 64113.

WITNESSETH, THAT THE SAID GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it paid by the said GRANTEE (the receipt of which is hereby acknowledged) does, by these presents, GRANT, BARGAIN and SELL, CONVEY and CONFIRM unto the GRANTEE, its successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Jackson and State of Missouri, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto the said Grantee and unto its successors and assigns forever; the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that it has good right to convey the same, that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; and that it will warrant and defend the title to said premises unto the said Grantee, and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

File No.: 101241

Lots 61 and 62, and the Westerly 1/2 of Lot 63, in MUIRSMITH, a subdivision in Raytown, Jackson County, Missouri, according to the recorded plat thereof. The Westerly 1/2 of Lot 63 being more particularly described as described as follows: Beginning at the Southwesterly corner of said Lot 63, running thence Northeasterly along the South line of said lot 25 feet; thence Northwesterly 149.46 feet to a point on the North line of said lot 16 1/2 feet from the Northwest corner of said lot; thence Southwesterly along the North line of said lot 16 1/2 feet to the Northwest corner thereof; thence in a Southeasterly direction along the West line of said Lot 63 to the point of beginning.

Subject to the covenants, restrictions, reservations and easements now of record, if any.



Home Other Property Data Help

Property Search > Search Results > Property Summary

## Property Account Summary

Links: [Segregation/Merge Data](#) [Where are my tax dollars going?](#)

Parcel Number	45-130-06-07-00-00-000	Property Address	10012 E 64TH ST, RAYTOWN, MO 64133
<b>General Information</b>			
Property Description	MUIRSMITH ADD LOTS 61 AND 62 AND W 1/2 OF 63		
Property Category	Land and Improvements		
Status	Active, Hst Other Property, Locally Assessed		
Tax Code Area	022		
<b>Property Characteristics</b>			
Property Class	3010		
<b>Parties</b>			
Role	Percent Name	Address	
Taxpayer	100	106 E 63RD, KANSAS CITY, MO 64113	
Owner	100	106 E 63RD, KANSAS CITY, MO 64113	
<b>Property Values</b>			
Value Type	Tax Year	Tax Year	Tax Year
Market Value Total	2019	2018	2017
Taxable Value Total	308,775	268,500	268,500
Assessed Value Total	98,808	85,920	85,920
			2016
			2015
			246,950
			79,024
			79,024
			79,024

No Charges are currently due.

No Charge Amounts are currently due for this property. If you believe this is incorrect, please contact the Taxpayer Services Unit at (816) 881-3232.

**NOTICE:** Telephones are staffed during regular business hours (8am to 5pm, Monday through Friday, excluding holidays observed by Jackson County).

District	Amount
BOARD OF DISABLED SERVICES	61,860,000
CITY - RAYTOWN	442,400,000
FIRE DISTRICT - RAYTOWN	892,370,000
JACKSON COUNTY	602,560,000
MENTAL HEALTH	100,610,000
METRO JUNIOR COLLEGE	198,050,000
MID-CONTINENT LIBRARY	340,500,000
RAYTOWN SCHOOL C-II	5,430,140,000
STATE BLIND PENSION	25,780,000
REPLACEMENT TAX	1,234,670,000

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
12/19/2018 00:00	11131960	9,328.94	9,328.94	9,328.94	0.00
01/22/2018 08:52	10712168	9,973.86	9,973.86	9,973.86	0.00
12/16/2016 00:00	8990643	9,260.54	9,260.54	9,260.54	0.00
02/17/2016 12:41	9621964	8,345.72	9,148.58	8,345.72	0.00
12/15/2014 00:00	8863274	8,406.57	8,406.57	8,406.57	0.00
01/02/2014 00:00	8430859	8,411.47	8,411.47	8,411.47	0.00

Printable Version

**REMEMBER:** This application is for research purposes only and cannot be used to pay taxes. To pay your taxes, [Click here](#). Occasionally, the parcel number for a real estate parcel changes, due to a parcel segregation or merge. In such a

	Company Name	DBA	Business Address	Company Status	Street Number	License Expiration Date	Street Name	License Number	License Status	License Type
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2017	64TH	1256-2017	Expired	Occupational - Closed Business
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2005	64TH	1256-2005	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2006	64TH	1256-2006	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2007	64TH	1256-2007	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2008	64TH	1256-2008	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2009	64TH	1256-2009	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2010	64TH	1256-2010	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2011	64TH	1256-2011	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2012	64TH	1256-2012	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2013	64TH	1256-2013	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2014	64TH	1256-2014	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2015	64TH	1256-2015	Renewed	Occupational - Gross Receipts

EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2016	64TH	1256- 2016	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/1999	64TH	1278- 1999	Expired	zOccupational - Closed Business
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2000	64TH	1256- 2000	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2001	64TH	1256- 2001	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2002	64TH	1256- 2002	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2003	64TH	1256- 2003	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	EGERSTROM INC	EGERSTROM INC	EGERSTROM INC	10012 E 64TH ST	Active	10012	06/30/2004	64TH	1256- 2004	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	10012 E 64TH ST	Active	10012	06/30/1999	64TH	0354- 1999	Expired	zOccupational - Closed Business
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	10012 E 64TH ST	Active	10012	06/30/2002	64TH	0298- 2002	Expired	zOccupational - Closed Business
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	10012 E 64TH ST	Active	10012	06/30/2000	64TH	0298- 2000	Renewed	Occupational - Gross Receipts
EnerGovBusiness.BusinessLicense.SearchBusinessLicenseResult	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	PARTY TIME FOODS, LLC	10012 E 64TH ST	Active	10012	06/30/2001	64TH	0298- 2001	Renewed	Occupational - Gross Receipts

# AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI  
COUNTY OF JACKSON

} S.S.

Page 1 of 1

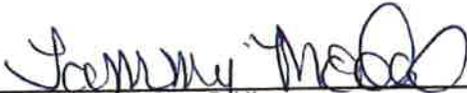
Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **December 09, 2019** edition and ending with the **December 09, 2019** edition, for a total of 1 publications:

12/09/2019



Lisa Fowler

Subscribed & sworn before me this 9th day of Dec, 2019  
(SEAL)



Notary Public

TAMMY MOREHEAD  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Louis City  
My Commission Expires: December 25, 2021  
Commission Number: 12394743

## Notice of Public Hearing

The Community Development Department has received an application for a Conditional Use Permit for a Commercial Use not normally Permitted by District Regulations at 10012 E. 64th Street In Raytown, Missouri.

A public hearing to consider this application will be held by the Raytown Planning & Zoning Commission at 7:00pm on Thursday, January 2, 2020. The full packet and agenda should be available for view on the City of Raytown website on Friday, December 27, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described application tentatively scheduled for 7:00pm on Tuesday, February 4, 2020 and 7:00pm on Tuesday, February 18, 2020.

All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6014 or by e-mail at [chrts@raytown.mo.us](mailto:chrts@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.

11823878 Jackson Dec. 9, 2019







**Community Development Department**  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

December 16, 2019

### **Notice of Public Hearing in your Vicinity**

The Community Development Department has received an application for a Conditional Use Permit for a Commercial Use not normally Permitted by District Regulations at 10012 E. 64<sup>th</sup> Street in Raytown, Missouri. The current warehousing/office business on the property, DMK Distributors, is historically compliant with what the building has been used for in the past, but as the zoning has changed over time, the current use requires a Conditional Use Permit. As a nearby owner or tenant, you are entitled to appear and provide comment at any of the public hearings on this matter or to provide written comment.

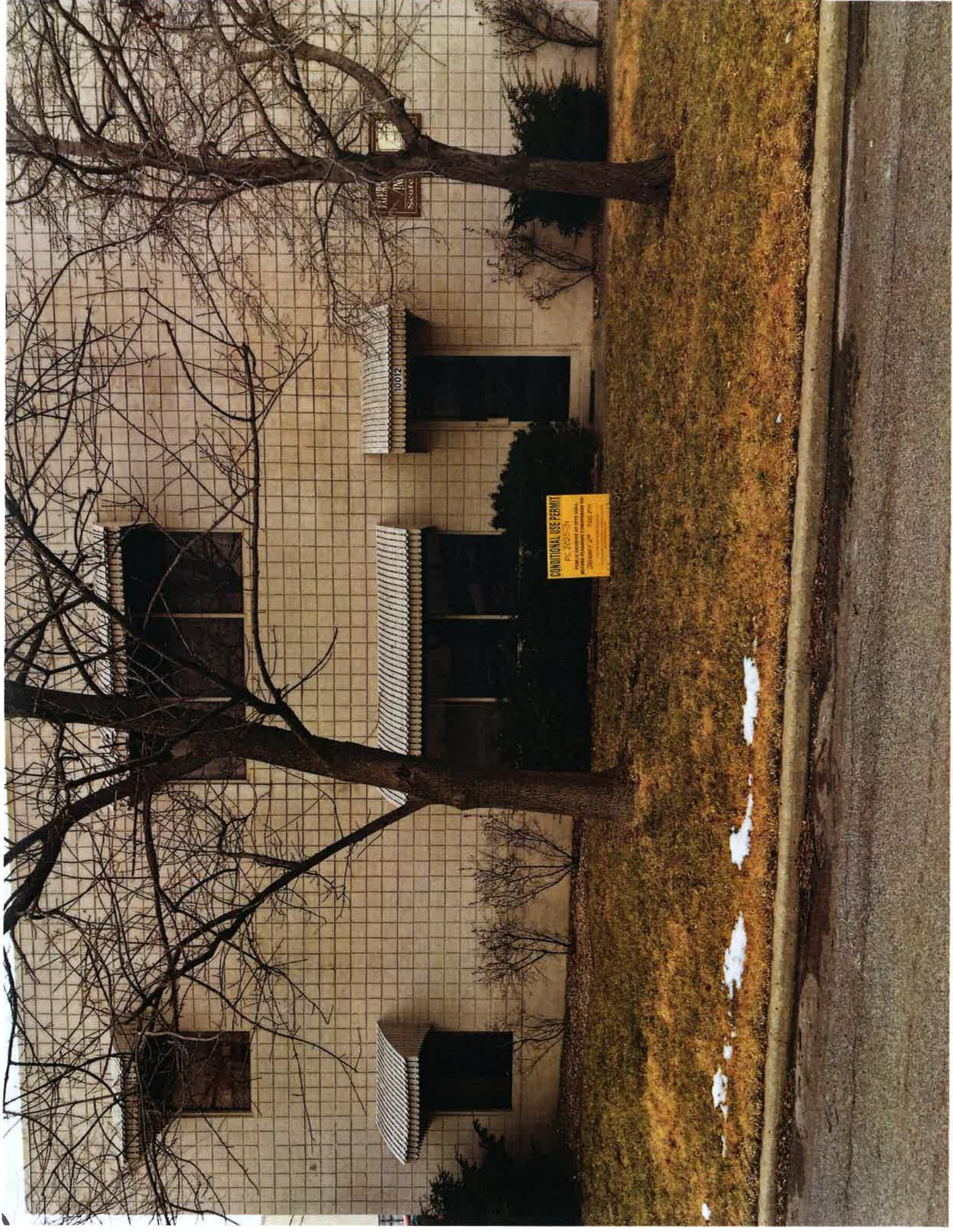
A public hearing to consider this application will be held by the Raytown Planning & Zoning Commission **at 7:00pm on Thursday, January 2, 2020**. The full packet and agenda should be available for view on the City of Raytown website on Friday, December 27, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described application tentatively scheduled for **7:00pm on Tuesday, February 4, 2020 and 7:00pm on Tuesday, February 18, 2020**.

**All public hearings will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59<sup>th</sup> St. Raytown, MO 64133.**

The public is invited to attend the public hearing to ask questions and provide comment regarding this application. Additional information regarding this application can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59<sup>th</sup> Street, by telephone at (816) 737-6059 or by e-mail at [chrisg@raytown.mo.us](mailto:chrisg@raytown.mo.us).

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) in order to attend either of these public hearings, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.



TAPER IN Secure

10012

CONDITIONAL USE PERMIT  
PC 2020-31  
COMPLYING WITH CITY ORDINANCES  
APPLICANT: [illegible]  
DATE: [illegible]

**CITY OF RAYTOWN**  
**PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**MINUTES**

**January 2, 2020**  
**7:00 pm**

**Raytown City Hall**  
**Board of Aldermen Chambers**  
**10000 East 59<sup>th</sup> Street**  
**Raytown, Missouri 64133**

**1. Welcome by Chairperson**

**2. Call meeting to order and Roll Call**

Wilson:	Present	Thurman:	Present	Emerson:	Present
Bettis:	Absent	Robinson:	Present	Frazier:	Present
Stock:	Absent	Dwight:	Present		

**3. Approval of Minutes: Minutes of November 21, 2019, approved 6-0 as amended to reflect Thurman present upon motion by Emerson and second by Frazier.**

**4. New Business**

**A. Case No.: PZ 2020-01:** Public Hearing to Consider a Conditional Use Permit Application Filed by David Hull of DMK Distributors to Operate an Office/Warehouse Use at 10012 E. 64<sup>th</sup> Street

**1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney. David Hull was present as the applicant.

**2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

**3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

#### **4. Introduction of Application by Staff**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report. Planning Commission discussion on the application with some questions for staff.

#### **5. Presentation of Application by Applicant.**

Mr. David Hull addressed the Planning Commission with a description of why he is needing this Conditional Use Permit and how he is utilizing the building.

#### **6. Request for Public Comment by Chairman.**

Richard Jones, a neighboring business owner of Henry's Automotive, spoke on behalf of the applicant, stating he was in support of the application.

#### **7. Additional Staff Comments and Recommendation.**

Chris Gilbert provided the staff recommendation to approve the application with a number of conditions attached that were entered into the record. The applicant agreed to the conditions.

#### **8. Commission Discussion.**

Planning Commission discussion on the application with some questions for staff.

#### **9. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Ms. Emerson moved and Mr. Frazier seconded a motion to recommend approval of the Conditional Use Permit application. Vote passed 6-0.

### **B. Case No.: PZ 2019-13: City-Initiated Application to Amend Municipal Code Chapter 50, Article VIII, "Sign Regulations".**

#### **1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney.

#### **2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

#### **3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

**4. Staff Presentation of proposed Text Amendments.**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report on proposed changes to the City's Sign Code and the staff recommendation. Planning Commission discussion with questions for staff. Jennifer Baird, City Attorney, gave presentation on proposed legal changes to sign code to comply with recent court rulings.

**5. Request for Public Comment by Chairman.**

No members of the public were present to provide comment.

**6. Commission Discussion.**

Planning Commission discussion with questions for staff.

**7. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Mr. Robinson moved and Ms. Dwight seconded a motion to recommend approval as recommended in the staff report. Motion passed 6-0.

**C. Case No.: PZ 2019-14: City-Initiated Application to Amend Municipal Code Chapter 50, Article IV, "Districts and District Map".**

**1. Introduction of Application by Chairman.**

Chairman Wilson opened the public hearing and introduced the application. All persons providing testimony were sworn in by Jennifer Baird, City Attorney.

**2. Explanation of any Ex Parte Communications Regarding the Application.**

No commissioners reported any Ex Parte Communications regarding this application.

**3. Enter Relevant Exhibits into the Record.**

Chairman Wilson entered the staff report into the record as an exhibit.

**4. Staff Presentation of proposed Text Amendments.**

Chris Gilbert, Planning & Zoning Coordinator provided the staff report on proposed amendments to Zoning Ordinance Use Table regarding vehicle and equipment sales and the recommendation. Planning Commission discussion with questions for staff.

**5. Request for Public Comment by Chairman.**

No members of the public were present to provide comment.

**6. Commission Discussion.**

Planning Commission discussion with questions for staff.

**7. Commission Decision to Approve, Conditionally Approve, or Deny Application.**

Mr. Frazier moved and Mr. Robinson seconded to recommend approval as recommended in the staff report. Motion passed 6-0.

**D. Case No.: PZ 2019-12: City-Initiated Application to Amend Municipal Code Chapter 4, “Alcoholic Beverages”, Chapter 10, “Business and Business Regulations”, and Chapter 50, Article IV, “Districts and District Map”.**

Chris Gilbert, Planning & Zoning Coordinator, asked the Planning Commission to continue this hearing to a Special meeting on January 16, 2020, to provide more time for staff to work through some concerns that came out of the discussion regarding this item at the November 21, 2019, Planning Commission Meeting.

**1. Commission Decision to Continue Hearing to January 16, 2020, Special meeting.**

Mr. Frazier moved and Ms. Thurman seconded to continue this item to a Special Meeting on January 16, 2020, at 7:00 PM.

**5. Other Business- None.**

**6. Set Future Meeting Date – Special Meeting on January 16, 2020. Next regular meeting on February 6, 2020, with a CUP application for auto sales to be on the agenda.**

**7. Adjourn at 8:10 PM upon motion by Ms. Emerson and second by Ms. Dwight.**

**CITY OF RAYTOWN  
Request for Board Action**

**Date:** January 16, 2020  
**To:** Mayor and Board of Aldermen  
**From:** Alderman Bill Van Buskirk

**Bill No.:** 6544-20  
**Section No.:** IX

**Department Head Approval:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_ (only if funding is requested)

**City Administrator Approval:** \_\_\_\_\_



**Action Requested:** Board of Aldermen approval to amend a section of Chapter 6 of the Raytown Municipal Code regarding tethering of animals.

**Recommendation:** Approval as submitted.

**Alternatives:** Not approve the proposed text amendments to Chapter 6.

**Budgetary Impact:**

Not Applicable

**AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, ARTICLE III, CARE AND CONTROL REGULATIONS OF THE RAYTOWN MUNICIPAL CODE**

**WHEREAS**, it has been determined that amendments to Chapters 6 are needed regarding tethering in the City of Raytown.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:**

**SECTION 1 – AMENDMENT OF CHAPTER 6, ANIMALS, ARTICLE III, CARE AND CONTROL REGULATIONS.** That Chapter 6 of the Raytown Municipal Code is hereby amended to read as attached hereto in Exhibit “A”:

**SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3 – SEVERABILITY CLAUSE.** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 4 – EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED** and **ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this \_\_\_\_\_ day of February, 2020.

\_\_\_\_\_  
Michael McDonough, Mayor

ATTEST:

Approved as to Form

\_\_\_\_\_  
Teresa M. Henry, City Clerk

\_\_\_\_\_  
Jennifer M. Baird

## EXHIBIT "A"

Sec. 6-103. - Animals to be adequately restrained; tethering.

- (a) It shall be unlawful for an owner, keeper or harbinger of an animal or fowl to keep said animal without it being adequately restrained.
- (b) It shall be unlawful for an owner, keeper or harbinger of an animal or fowl to allow such animal to run at large.
- (c) It shall be unlawful for an owner, keeper or harbinger of animal to tether the animal outside except when the owner, keeper or harbinger of the animal is **visibly** supervising the animal, whether outside or from inside a residence.
- (d) Tethering of animals shall be considered temporary, no more than half an hour at any one time, and no more than a total of three (3) hours in any twenty-four (24) hour period.
- (e) The tether shall be attached to a fixed object or structure that prevents the animal from coming within ten (10) feet of any public walkway or roadway.
- (f) It shall be unlawful for any person to attach a chain or other tether, restraint or implement directly to an animal without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.
- ~~(g)~~ (g) Nonpoisonous snakes shall be kept in locked, escape-proof cages and shall not be permitted to escape while being handled by owner, keeper or handler.
- ~~(h)~~ (h) Cats regardless of age or sex which cause injury to persons or damage to property or that create a nuisance shall be deemed not adequately restrained.

(Code 1969, § 4-15; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5246-07, § 1, 7-17-2007)

**State Law reference**— Animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs prohibited from running at large, RSMo 322.020.

**CITY OF RAYTOWN**  
**Request for Board Action**

**Date:** January 30, 2020 **Resolution No.:** R-3272-20  
**To:** Mayor and Board of Aldermen  
**From:** David Turner, Director of Raytown Parks Department

**Department Head Approval:** \_\_\_\_\_

**Finance Director Approval:** \_\_\_\_\_

**City Administrator Approval:** \_\_\_\_\_



**Action Requested:** Authorize and approve the Raytown Live Music Series for the 2020 summer season.

**Recommendation:** Raytown Live Planning Committee recommends approval.

**Analysis:** The City of Raytown Planning Committee for the Raytown Live Music Series would like to request approval from the Board of Aldermen to continue the Raytown Live Music Series for the 2020 summer season.

The committee is planning on hosting 5 nights of music on the second Saturday of every month May through September in 2020. The Committee is requesting to use the Raytown City Green Space for the events, and host music from 7:00 p.m.-9:00 p.m. on the second Saturdays. Events will be funded through sponsorships and donations.

The Planning Committee will also plan for food trucks and possibly vendors to sell their wares for the spectators and participants of the events.

**Alternatives:** Do not approve the request to host the 2020 Raytown Live Music Series and do not host the music events for the public at the City Green Space.

**Budgetary Impact:**

Not Applicable

Account Number(s): 201-92-00-100-54500 Parks Program budget  
Department: Raytown Parks Department  
Amount to Spend: Depends solely on funds collected

**A RESOLUTION SUPPORTING THE MAYOR'S AD HOC EVENT COMMITTEE IN THEIR EFFORTS TO ORGANIZE A SUMMER CONCERT SERIES ON THE CITY'S GREENSPACE IN THE CENTRAL BUSINESS DISTRICT**

**WHEREAS**, the City of Raytown owns property in the central business district; and

**WHEREAS**, the Mayor has appointed an Ad Hoc Event Committee to explore and organize a summer concert series to be held on the City's property in the central business district; and

**WHEREAS**, the Board of Aldermen find it is in the best interest of the City to the support the organization of a summer concert series to be held on the City's property in the central business district;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:**

**THAT**, support of the Mayor's Ad Hoc Event Committee in their efforts to organize a summer concert series known as Raytown Live is hereby approved;

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 4<sup>th</sup> day of February, 2020.

ATTEST:

\_\_\_\_\_  
Michael McDonough, Mayor

\_\_\_\_\_  
Teresa M. Henry, City Clerk

Approved as to Form:

\_\_\_\_\_  
Jennifer M. Baird, City Attorney

**CITY OF RAYTOWN**  
**Request for Board Action**

**Date:** January 30, 2020  
**To:** Mayor and Board of Aldermen  
**From:** Russell Petry, Director of Finance

**Resolution No.:** R-3273-20

**Finance Director Approval:** \_\_\_\_\_

**City Administrator Approval:** \_\_\_\_\_



**Action Requested:** Staff requests approval of resolution to approve the attached budget adjustments.

**Recommendation:** Approve the resolution.

**Analysis:** Throughout the year staff monitors the budget monthly. The attached spreadsheet lists the transfers staff believes need to occur to adjust for the activity that has occurred.

**Budgetary Impact:**

- Not Applicable
- Funds subject to approval of the Board of Aldermen
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Additional Reports Attached:** Budget Adjustment spreadsheet

**RESOLUTION NO. R-3273-20**

**A RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 BUDGET TO REALLOCATE VARIOUS EXPENDITURES BETWEEN DESIGNATED FUNDS**

**WHEREAS**, there is a need to reallocate expenditures between various fund accounts within the FY 2019-2020 budget; and

**WHEREAS**, in order to implement the necessary budget adjustments, the Board of Aldermen find it is in the best interest of the City to amend Resolution R-3241-19, adopting the budget for Fiscal Year 2019-2020 as set forth in Exhibit "A" attached hereto;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:**

**THAT** the Fiscal Year 2019-2020 Budget approved by Resolution R-3241-19, is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference;

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Missouri, the 4<sup>th</sup> day of February, 2020.

\_\_\_\_\_  
Michael McDonough, Mayor

ATTEST:

\_\_\_\_\_  
Teresa M. Henry, City Clerk

Approved as to Form:

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Jennifer M. Baird, City Attorney

Exhibit A  
Budget Adjustment

FYE 2020  
General Fund -100

Expenditure	Professional Services	101-00-00-100-52250	\$	30,000
Exoenditure	Fund Balance	100-00-00-100-39999	\$	(30,000)

To cover the cost approved in 2019 for Baker Tilley personnel services contract.

FYE 2019

Expenditure	TIF Bond Issuance Expenses	101-22-00-100-51231	\$	458,660
Expenditure	Arbitrage Expense	210-00-00-100-54506	\$	796,311
Expenditure	Bond Escrow Fund Expense	210-00-00-100-54507	\$	31,852,121
Revenue	Bond Proceeds	210-00-00-001-49980	\$	(28,800,000)
Revenue	Bond Gain on Sale of Investments	210-00-00-001-49970	\$	(1,378,000)
Expenditure	TIF Fund Balance	210-00-00-100-39999	\$	(2,929,091)

To cover the expenses paid out of proceeds in September TIF Bond Refinance

**From:** [Michael Stolze](#)  
**To:** [Teresa Henry](#)  
**Subject:** FW: Discussion Item  
**Date:** Thursday, January 16, 2020 11:09:10 AM

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**From:** Michael Stolze  
**Sent:** Thursday, January 9, 2020 8:04 AM  
**To:** greg walters <[gregtwalters@sbcglobal.net](mailto:gregtwalters@sbcglobal.net)>  
**Subject:** RE: Discussion Item

Alderman Walters,  
Thank you for the information.  
Teresa will soon be back in the office and is managing the creation of the meeting agenda, so I have forwarded your request to her.

-Michael

**Michael Stolze**  
**EXECUTIVE ASSISTANT, ADMINISTRATION**  
City of Raytown, MO  
10000 E. 59<sup>th</sup> Street  
Raytown, MO 64133  
816.737.6003 Direct  
816.737.6097 Fax  
[michaels@raytown.mo.us](mailto:michaels@raytown.mo.us)

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**From:** greg walters <[gregtwalters@sbcglobal.net](mailto:gregtwalters@sbcglobal.net)>  
**Sent:** Wednesday, January 8, 2020 6:53 PM  
**To:** Michael Stolze <[michaels@raytown.mo.us](mailto:michaels@raytown.mo.us)>  
**Subject:** Discussion Item

Michael,

Please place a discussion on item on the January 21, 2020 Board of Aldermen meeting. The topic will be assigning Aldermanic sponsorships to ordinance.

Thanks,

Greg Walters  
816-842-9068