

**TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
MARCH 3, 2020
CLOSED SESSION
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
6:00 P.M.**

Roll Call

CLOSED SESSION

Notice is hereby given that the Mayor and Board of Aldermen may conduct a closed session, pursuant to the following statutory provisions:

- 610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;
- 610.021(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information relating to the performance or merit of an individual employee is discussed or recorded; and/or
- 610.021(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.

ADJOURNMENT

**TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
MARCH 3, 2020
REGULAR SESSION NO. 22
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.**

(OR IMMEDIATELY FOLLOWING CLOSED SESSION)

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 February 18, 2020 Board of Aldermen meeting minutes.

OLD BUSINESS

2. 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.
 - 2a. **SECOND 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.
3. **SECOND READING: Bill No.: 6532-19, Section IV-C-11. AN ORDINANCE** REPEALING VARIOUS SECTIONS AND AMENDING OTHER SECTIONS OF THE CITY CODE OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Jennifer Baird, City Attorney.

NEW BUSINESS

4. Public Hearing: A public hearing to consider a Conditional Use Permit for property located at 6824 Blue Ridge Boulevard.
 - 4a. **FIRST READING: Bill No. 6545-20, Section XIII. AN ORDINANCE** APPROVING A CONDITIONAL USE PERMIT FOR RIGHT WAY AUTO, AN AUTOMOTIVE SALES BUSINESS, TO OPERATE A VEHICLE SALES USE IN A HIGHWAY COMMERCIAL (HC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.
5. Public Hearing: A public hearing to consider a Conditional Use Permit for property located at 7609 Raytown Road.
 - 5a. **FIRST READING: Bill No. 6546-20, Section XIII. AN ORDINANCE** APPROVING A CONDITIONAL USE PERMIT FOR THE RECON CENTER LLC, AN AUTOMOTIVE REPAIR BUSINESS, TO OPERATE AN ACCESSORY VEHICLE SALES USE AT 7609 RAYTOWN ROAD IN A HIGHWAY COMMERCIAL (HC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

DISCUSSION ITEM

6. Zoning Ordinance-notification requirements of applicants-Alderman Greg Walters

ADJOURNMENT

**TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
FEBRUARY 18, 2020
REGULAR SESSION NO. 20
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
7:00 P.M.**

OPENING SESSION

Mayor Michael McDonough called the February 18, 2020 Board of Aldermen meeting to order at 7:03 p.m. Larry Cleveland of Raytown Community of Christ 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 Bonnaye Mims, Alderman Bill Van Buskirk, Alderman Mary Jane Van Buskirk, Alderman Janet Emerson, Alderman Ryan Myers, Alderman Jason Greene, Alderman Frank Hunt, Alderman Greg Walters

Absent: Alderman Derek Ward, Alderman Jim Aziere

Public Comments

Public comments were given by:

Tyler Jordan, Connection Point Church
Tony Jacob, Raytown, MO
Chris Rathbone, Raytown Park Board President

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

Comments were shared by Aldermen Emerson, Myers, Mims, Walters

1. CONSENT AGENDA

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Approval of the Regular February 4, 2020 Board of Aldermen meeting minutes.

R-3275-20: A RESOLUTION AUTHORIZING AND APPROVING THE APPOINTMENT OF JENNIFER PERKINS TO THE RAYTOWN PARK BOARD. Point of Contact: Teresa Henry, City Clerk.

Alderman Mary Jane Van Buskirk, seconded by Alderman Greene, made a motion to adopt. The motion was approved by a vote of 8-0-2.

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

Jennifer Perkins, shared comments regarding her appointment to the Park Board.

OLD BUSINESS

2. 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.

2a. **SECOND 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.

Mayor McDonough opened the public hearing.

Alderman Greene, seconded by Alderman Myers, made a motion to continue Bill 6542-20 to a date certain of March 3, 2020.

There were no comments.

Mayor McDonough closed the public hearing.

The motion was approved by a vote of 8-0-2.

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

3. Public Hearing: A public hearing to consider a Conditional Use Permit for property located at 10012 E. 64th Street.

3a. **SECOND 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. 64th STREET IN A NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI. Point of Contact: Chris Gilbert, Planning & Zoning Coordinator.

Mayor McDonough opened the public hearing.

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

Chris Gilbert, Planning & Zoning Coordinator, presented the item and remained for any discussion along with the applicant, David Hull.

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

The item was discussed.

Mayor McDonough closed the public hearing.

The motion was approved by a vote of 8-0-2.

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

4. **SECOND 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.

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

Alderman Bill Van Buskirk presented the item.

Alderman Bill Van Buskirk, seconded by Alderman Walters, made a motion to continue Bill 6544-20 to a date certain of March 3, 2020.

The item was discussed.

The motion failed by a vote of 4-5-2.

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

Alderman Bill Van Buskirk, seconded by Alderman Walters, made a motion to adopt.

Discussion continued.

The motion failed by a vote of 3-5-2

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

Alderman Bill Van Buskirk stated that, as a member of the prevailing side of the previous vote, he would like Bill 6544-20 to be reconsidered at the next Board of Aldermen meeting.

The motion was discussed.

Alderman Bill Van Buskirk stated that he changes his previous vote to Aye.

To be approved, the motion requires a majority of the full Board of Aldermen, thus a 4-4-2 vote does not change the outcome and the motion to adopt Bill 6544-20 failed for a lack of majority support.

The Mayor called for a short recess.

The Mayor reconvened the meeting at 8:26 p.m.

Alderman Bill Van Buskirk, seconded by Alderman Greg Walters, made a motion to amend the agenda by adding a discussion item at the end of the evening's session. The motion was approved by a vote of 5-3-2.

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

NEW BUSINESS

5. **R-3276-20: A RESOLUTION** AUTHORIZING AND APPROVING THE CONTINUATION OF AN AGREEMENT WITH INFINITY BUILDING SERVICES FOR MOWING SERVICES IN AN AMOUNT NOT TO EXCEED \$26,000.00 FOR FISCAL YEAR 2019-2020. Point of Contact: Jose M. Leon, Jr., Public Works Director.

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

Jason Hanson, City Engineer, presented the item and remained available for any discussion.

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

The item was discussed.

The motion was approved by a vote of 8-0-2.

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

Nays: None

Absent: Aldermen Aziere, Ward

6. **R-3277-20: A RESOLUTION** AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GEORGE BUTLER ASSOCIATES, INC. FOR ON-CALL CITY ENGINEERING SERVICES FOR FISCAL YEAR 2019-2020. Point of Contact: Jose M. Leon Jr., 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.

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

The item was discussed.

The motion was approved by a vote of 8-0-2.

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

Nays: None

Absent: Aldermen Aziere, Ward

7. **R-3278-20: A RESOLUTION** AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LAMP RYNEARSON, INC. FOR ON-CALL CITY ENGINEERING SERVICES FOR FISCAL YEAR 2019-2020. Point of Contact: Jose M. Leon Jr., Public Works Director

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

Jose Leon, Public Works Director, remained available for any discussion.

Alderman Mims, seconded by Alderman Bill Van Buskirk, made a motion to adopt.

The motion was approved by a vote of 8-0-2.

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

Nays: None

Absent: Aldermen Aziere, Ward

8. **R-3279-20: A RESOLUTION** AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SFS ARCHITECTURE, INC. FOR ON-CALL CITY ARCHITECT SERVICES FOR FISCAL YEAR 2019-2020. Point of Contact: Jose M. Leon Jr., Public Works Director.

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

Jose Leon, Public Works Director, remained available for any discussion.

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

The motion was approved by a vote of 8-0-2.

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

Nays: None

Absent: Aldermen Aziere, Ward

9. **R-3280-20: A RESOLUTION** AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WSKF, INC. FOR ON-CALL CITY ARCHITECT SERVICES FOR FISCAL YEAR 2019-2020. Point of Contact: Jose M. Leon Jr., Public Works Director.

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

Jose Leon, Public Works Director, remained available for any discussion.

Alderman Mims, seconded by Alderman Bill Van Buskirk, made a motion to adopt.

The item was discussed.

The motion was approved by a vote of 8-0-2.

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

Nays: None

Absent: Aldermen Aziere, Ward

DISCUSSION

10. Animal Control, Bill 6544-20 - Alderman Bill Van Buskirk

Alderman Bill Van Buskirk presented the item.

Alderman Bill Van Buskirk, seconded by Alderman Greene, made a motion to bring the chapter of the Municipal Code regarding animal control to the Municipal Committee for further consideration.

Alderman Bill Van Buskirk further asked that Ray Haydaripoor, Community Development Director, and the rest of the Board of Aldermen attend that meeting.

The motion was discussed.

The motion was approved by a vote of 8-0-2.

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

Nays: None

Absent: Aldermen Ward, Aziere

ADJOURNMENT

Alderman Mims, seconded by Alderman Mary Jane Van Buskirk, made a motion to adjourn.

The motion to adjourn was approved by a majority of those present.

The meeting adjourned at 8:45 p.m.

Teresa M. Henry, MRCC
City Clerk

DRAFT

CITY OF RAYTOWN
Request for Board Action

Date: February 7, 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 63rd Street and 67th 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 18th 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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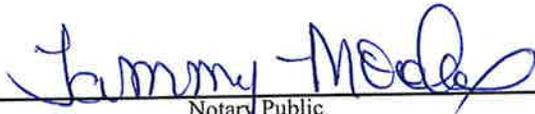
Before the undersigned Notary Public personally appeared **Lisa Fowler** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, 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, 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 chrsg@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

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, 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.

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(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 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					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	(3), (10), (11)
College or University							P					P				(13)

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 (13)	
	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				
Penal, reformatory or other correctional uses				C		C										
Pharmacy					P	P		P				P				P
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				
Private swimming pools	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		
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)
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									(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 59th 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 21st 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: February 25, 2020

Bill No.: 6545-20

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 consideration and approval of a Conditional Use Permit authorizing a Vehicle Sales Use for Right Way Auto, to be located at 6824 Blue Ridge Blvd. in a Highway Commercial (HC) District.

Recommendation: Staff recommends approval as submitted. The Planning & Zoning Commission voted (5-0) to recommend approval of the Conditional Use Permit with all conditions as contained in the staff report.

Analysis: Right Way Auto, a used vehicle sales business with locations around the country is requesting Conditional Use Permit (CUP) approval for a Vehicle Sales use in a Highway Commercial (HC) zoning district. Per the city's land use table, vehicle sales can only be conditionally approved in this zoning district. The site upon which this application is located is the former Blue Ridge Mazda new car dealership. The applicant is acquiring the entire property, consisting of three separate parcels. The main parcel, 1.6 acres in size, on the north side abutting both Blue Ridge Blvd and 350 Highway, contains the Showroom and about a third of the approximately 220 parking stalls on the property. The second parcel, 0.5 acres in size, is the former used car sales annex on the south side of the property abutting Blue Ridge Blvd. and Booth Street, containing another 30 spaces. The third parcel is the westernmost, or back side of the property located in Kansas City, 0.7 acres in size, and containing the repair garage and the remaining parking spaces. There will be limited vehicle repair as a permitted accessory use to the sales operation. Right Way Auto will need to contact the City of Kansas City, Missouri, and acquire any necessary licenses to operate as may be required for the small back portion of the lot on the west side.

Conditions of approval were attached to the Conditional Use by staff and concurred with by the Planning & Zoning 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:

- Staff Report from February 6, 2020, Planning & Zoning Commission meeting
- Minutes of the February 6, 2020, Planning & Zoning Commission meeting

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR RIGHT WAY AUTO, AN AUTOMOTIVE SALES BUSINESS, TO OPERATE A VEHICLE SALES USE IN A HIGHWAY COMMERCIAL (HC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS Application PZ-2020-03, duly submitted by Doug White of Kearney, Missouri, representing Right Way Auto, for approval of a Conditional Use Permit for a Vehicle Sales Use to be located at 6824 Blue Ridge Blvd. within a Highway Commercial (HC) District in the City of Raytown, Jackson County, Missouri, was referred to the Planning & Zoning Commission; and

WHEREAS, the Planning & Zoning Commission considered the application on February 6, 2020, and by a vote of 5 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 held a Public Hearing on March 3, 2020 to consider the application; and

WHEREAS, the Board of Aldermen 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 Right Way Auto to conduct the business of Vehicle Sales at 6824 Blue Ridge Blvd. is hereby approved.

SECTION 2 – CONDITIONS OF APPROVAL. That the Conditional Use Permit for Right Way Auto be approved subject to the following conditions as contained in the staff report and as approved by the Planning & Zoning Commission:

1. Applicant shall clearly stripe ALL spaces and mark the spaces dedicated for customers, employees, and vehicles being repaired with wide stripes across the ends of the stalls adjacent to the drive aisles and stenciled wording identifying such specific areas. It shall be understood that all parking spaces not specifically identified as parking for other purposes is intended for display of vehicles for sale. Drive aisles shall not be made inaccessible at any time.
2. Seven (7) handicapped parking spaces are required on the property based on the total number of parking spaces. The handicapped spaces shall be 8 ft. wide by 18 ft. deep and be properly marked with handicapped pole signs. The unloading zone placed next to each marked handicapped parking space shall be properly striped 8 ft. wide by 18 ft. deep. These spaces shall all be located close to accessible entrances to the building.
3. All signage shall be issued under separate permit process and shall meet Raytown Municipal Code requirements.
4. Vehicle repair directly related to the Right Way Auto Sales operation shall be considered a permitted accessory use. No unlicensed/inoperable vehicles will be permitted to be stored on the property outside of the principal structure without proper screening if such is designed to contain vehicles overnight.
5. All vehicles for sale displayed on the property shall be properly marked as "For Sale".

- 6. All parking areas and drive aisles shall be properly maintained at all times to prevent potholes, including aprons connecting to public streets. The building façades and attached features shall also be maintained in good condition at all times with no peeling paint, broken windows, damaged areas, etc. All signage shall be maintained in good condition at all times.
- 7. Any dumpsters placed on the property outside of an enclosed structure shall be properly screened from view with a full enclosed six-foot screen on all sides. Chain link is not permitted.
- 8. Address all outstanding comments from the building inspection dated 12-29-19.
- 9. No Commercial Use Permit and business license shall be issued until all requirements of this section have been met.
- 10. 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 March, 2020

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney

PZ 2020-03

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: February 6, 2020

Re: Application for Conditional Use Permit

CONDITIONAL USE PERMIT APPLICATION SUMMARY

Applicant: Doug White, Right Way Auto and Erin Bardon, BnB Design

Property Owner: Willie Rickel

Property Location: 6824/28 Blue Ridge Blvd.

Request: Conditional Use Permit approval for Vehicle Sales

The applicant, Right Way Auto, is requesting Conditional Use Permit (CUP) approval for a Vehicle Sales use in a Highway Commercial (HC) zoning district. Per the city's land use table, vehicle sales can only be conditionally approved in this zoning district. The subject property is the former Blue Ridge Mazda dealership that has maintained a license on the property continually since at least 1998 as the same name. A use inspection was conducted by staff in May, 2019, related to a different business attempting to use the property for high end vehicle rental, but that was never approved. At the time of the inspection, it was discovered that no active physical sales of vehicles was ongoing at the location so when Right Way Auto visited with City staff about the location in December, 2019, six months had already passed and the property had lost its non-conforming status thus requiring a Conditional Use Permit for reuse.



Figure 1 – Surrounding Zoning and Location Map



Staff Report

Community Development
Planning and Development Services

SURROUNDING ZONING AND LAND USES

Property's Zoning Classification	Highway Commercial (HC)
Surrounding Properties' Zoning	Highway Commercial (HC), Low Density Residential (R-1), heavy commercial use in Kansas City (Mini Storage Units)
Surrounding Overlay	350 Corridor Overlay
Surrounding Land Use	Commercial, Institutional (Cemetery)
Designated Future Land Use	Commercial
Ward	Ward 1
Approximate Land Area	
Roadway Classification	Arterial, Highway

SITE DESCRIPTION, HISTORY, AND PRESENT USE

The site upon which this application is located is the former Blue Ridge Mazda new car sales property at 6824 Blue Ridge Blvd. The applicant is purchasing the entire property, consisting of three separate parcels. The main parcel, 1.6 acres in size, on the north side abutting both Blue Ridge Blvd and 350 Highway, contains the Showroom and about a third of the approximately 220 parking stalls on the property. The second parcel, 0.5 acres in size, is the former used car sales annex on the south side of the property abutting Blue Ridge Blvd. and Booth Street, containing another 30 spaces. The third parcel is the westernmost, or back side of the property located in Kansas City, 0.7 acres in size, and containing the repair garage and the remaining parking spaces.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The structure is surrounded by commercial development on all sides except the south side, where it abuts the cemetery.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on January 20, 2020. Public notice letters were sent to property owners within 185 feet of the property by the applicant. The Neighborhood Information Meeting was held on January 29, 2020, and no one showed up for the meeting. To date, the Community Development Department has received no calls or written emails or letters regarding this application.

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 subject parcel and all adjacent lots to the north and east are zoned Highway Commercial (HC). This zoning district is designed to accommodate commercial activities that service and draw customers from a broad area, not just the surrounding neighborhoods. The presence of 350 Highway and the large daily count of vehicles along this roadway provide a ready and visible customer base for vehicle sales businesses. While Right Way Auto is not a new car sales operation like Blue Ridge Mazda, it is a large used car sales operation with locations across the country. The closest area location is on Noland Road just north of the high school. Since the proposed use will utilize the property for what it was originally built and used for, which is auto sales, there should be no impact on the integrity of the zoning district.

2. Conservation of property values

No negative change to neighboring property values is expected. Requirements are being added as conditions of approval to mitigate any expected concerns with reuse of the property.

3. Protection against fire and casualties

Staff has no concerns regarding fire and/or casualties on this project. The existing building is a fairly modern building complex with numerous exiting opportunities in case of damage or fire.

4. Observation of general police regulations

The proposed new auto sales business is not anticipated to violate any general police regulations. The activity is all contained on the site with the exception of the access points from 350 Highway, Booth Ave. and Blue Ridge Blvd., which are located within the public right of way. Anytime vehicles are left unprotected overnight, there is the possibility that vandalism and theft can occur, but this true of any business and its products. Basic security measures including lighting and cameras can assist in reducing the risk of these types of crimes.

5. Prevention of traffic congestion

The proposed new business will not increase traffic congestion above what is normal for the vicinity. Additional traffic generated by the auto sales will be easily handled with the direct highway access to both westbound 350 Highway and to Blue Ridge Blvd., an arterial roadway.

6. Promotion of traffic safety and the orderly parking of motor vehicles

The proposed new business will not substantially increase traffic safety risk over what is already present given two major means of ingress/egress, nor the orderly parking of motor vehicles as the site contains approximately 220 spaces to accommodate vehicles for sale, customers, employees, and repair garage vehicles. Adequate access to the property is presently available directly from Blue Ridge Blvd. Handicapped spaces shown on the site plan will need to be made to conform to modern ADA standards with additional spaces and a pole sign and striped off unloading zone for each space and is attached as a condition of approval. Staff has analyzed the site plan breakdown of parking demands for the site with 220 parking spaces available, and determined that enough parking exists to meet all the needs on the property:

7. Promotion of the safety of individuals and property

The proposed new business will not affect the safety of individuals or property. The structure is in reasonable condition and no building modifications are required outside of minor improvements noted in a site inspection done by City staff and attached to this report.



Staff Report

Community Development
Planning and Development Services

8. Provision for adequate light and air

The proposed new business will not significantly affect the air quality of the area above what is normal for a large auto sales operation that includes vehicle maintenance operations, and should have minor additional impact on neighboring properties, and certainly no more than was present when the site was used by Blue Ridge Mazda.

9. Prevention of overcrowding and excessive intensity of land uses

The proposed new business will not be inconsistent with the original intensity of use on the property and has sufficient parking to adequately address all display and operational needs.

10. Provision for public utilities and schools

The proposed new business will not affect any public utilities or schools but will generate some additional revenue in return. The existing structures are already connected to utility services.

11. Invasion by inappropriate uses

Raytown has been receiving a lot of interest and inquiries into used vehicle sales recently and staff has been working on code changes designed to reduce the impact of such businesses on the community but these changes are still in the public hearing process and not adopted yet. This particular large scale reuse of a presently vacant former new car dealer appears to be a better funded operation than the typically small scale used car dealers that approach the City looking to possibly locate here.

12. Value, type and character of existing or authorized improvements and land uses

The property on which the proposed business would be located is developed. Staff has provided recommended conditions of approval to ensure compliance with existing code standards.

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 and followed by the applicant. This reuse of the property is wholly consistent with the originally intended use of the property.

14. Provision for orderly and proper renewal, development and growth

The proposed auto sales business should not affect the orderly and proper renewal, development or growth of the city. This reuse of the property is wholly consistent with the originally intended use of the property.

RECOMMENDATION

Staff recommends approval of this application for Right Way Auto to operate a vehicle sales business with the following conditions of approval:

1. Applicant shall clearly stripe ALL spaces and mark the spaces dedicated for used vehicle sales clearly with a professionally stenciled label "Vehicle For Sale Only" on each of the spaces dedicated to vehicle sales.



Staff Report

Community Development
Planning and Development Services

2. SEVEN handicapped parking spaces are required on the property based on the total number of parking spaces and shall be properly marked with handicapped pole signs and have a properly striped 8 ft by 18 ft unloading zone placed next to each marked space. These parking spaces shall be 8 ft wide by 18 ft deep.
3. All signage shall be issued under separate permit process and shall meet Municipal Code requirements.
4. No unlicensed/inoperable vehicles will be permitted to be stored on the property outside of the principal structure without proper screening if such is designed to contain vehicles overnight.
5. All vehicles for sale displayed on the property shall be properly marked as "For Sale".
6. All parking areas and drive aisles shall be properly maintained at all times to prevent potholes, including aprons connecting to public streets. The building façades and attached features shall also be maintained in good condition at all times with no peeling paint, broken windows, damaged areas, etc.
7. Any dumpsters placed on the property shall be properly screened from view with a full enclosed 6 foot screen on all sides. Chain link is not permitted.
8. Address all comments from the building inspection dated 12-29-19 and attached to this staff report.
9. No Commercial Use Permit and business license shall be issued until all requirements of this section have been met.
10. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

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

**February 6, 2020
7:00 pm**

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

1. Welcome by Acting Chairwoman Dee Ann Stock

2. Call meeting to order and Roll Call

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

3. Approval of Minutes: Minutes of January 16, 2020, approved 5-0 upon motion by Frazier and second by Emerson.

4. New Business

A. Case No.: PZ 2029-02: Application for a Conditional Use Permit for Accessory Used Vehicle Sales for an existing Vehicle Repair Shop Located at 7609 Raytown Road in a Highway Commercial, HC, zone.

1. Introduction of Application by Chairman.

Acting Chairwoman Stock 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.

Commissioner Emerson reported Ex Parte communications with the applicant regarding this application.

3. Enter Relevant Exhibits into the Record.

Acting Chairwoman Stock 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, reviewing the location of the application, surrounding zoning and uses of property and addressed all the criteria required for a Conditional Use Permit to be issued. Included was an in-depth analysis of the available parking on the site and that the site could support the requested amount of vehicles for sale, provide enough parking for the other tenants on the site, and have additional leftover spaces.

Planning Commission discussion with questions for staff.

5. Request for Public Comment by Chairman.

William Graham, 7609 Raytown Road, the property owner testified in support of the application.

Stephen Jones, 7609 Raytown Road, the business owner of Recon Auto, testified on behalf of his application. Mr. Jones agreed to the conditions of approval in the staff report.

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 Conditional Use Permit to the Board of Aldermen with the conditions as specified in the staff report.

Ms. Emerson moved and Ms. Thurman seconded to recommend approval as recommended in the staff report. Motion passed 5-0.

B. Case No.: PZ 2029-03: Application for a Conditional Use Permit for Used Vehicle Sales Sales to be located at 6824 Blue Ridge Blvd. in a Highway Commercial, HC, zone.

1. Introduction of Application by Chairman.

Acting Chairwoman Stock 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.

Acting Chairwoman Stock 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, reviewing the location of the application, surrounding zoning and uses of property and addressed all the criteria required for a Conditional Use Permit to be issued.

Planning Commission discussion with questions for staff.

5. Request for Public Comment by Chairman.

Tara Nielsen, 5309 W. 116th St., Leawood, Kansas, representing the current property owner, Willie Rickel, testified in support of the application.

Doug White, 3225 S. Noland Rd., Independence, Missouri, representing the Business, Right Way Auto, spoke in support of the company's application. Mr. White agreed to the conditions contained in the staff report.

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 Conditional Use Permit to the Board of Aldermen with the conditions as specified in the staff report.

Mr. Frazier moved and Ms. Emerson seconded to recommend approval as recommended in the staff report. Motion passed 5-0.

5. Other Business- Chris Gilbert provided a status update on several recent cases reviewed by the Planning Commission.

6. Set Future Meeting Date – Next regular meeting on March 5, 2020, with additional CUP applications to be on the agenda.

7. Adjourn at 8:28 PM upon motion by Mr. Frazier and second by Ms. Thurman.

CITY OF RAYTOWN
Request for Board Action

Date: February 25, 2020

Bill No.: 6546-20

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 consideration and approval of a Conditional Use Permit authorizing a used vehicle sales component to be added to the existing Vehicle Repair/General Use operated by The Recon Center, LLC, at 7609 Raytown Road in a Highway Commercial (HC) zoning district.

Recommendation: Staff recommends approval as submitted. The Planning & Zoning Commission voted (5-0) to recommend approval of the Conditional Use Permit with all conditions as contained in the staff report.

Analysis: The Recon Center is requesting Conditional Use Permit (CUP) approval to operate an accessory Vehicle Sales use in a Highway Commercial (HC) zoning district. Per the city's land use table, accessory vehicle sales can only be conditionally approved in this zoning district. The subject property is a 14,000 square foot multi-tenant building, with the 3500 square foot Recon Auto location within it having been licensed as an auto repair facility since February, 2019, shortly after Flaco's Quality Auto Repair closed. Other tenants in the building include the property owner's 6500 square foot Graham Plumbing business on the west end, 1300 square foot Sisters in Christ immediately east, then Recon Auto Repair, and finally the 2600 square foot Disabled Veterans donation drop off facility on the far east end.

Staff analyzed the parking demands of the entire property contained in the attached Planning Commission staff report and determined that excess parking does exist on the property to serve all uses and accommodate up to 12 specially marked spaces for vehicle sales, and still have excess parking remaining on the site. 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. The most significant conditions relate to the proper marking of the "For Sale" area and labelling of the vehicles that are actually for sale and the possibility of the CUP being referred back to the Planning Commission in the future if it becomes necessary.

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:

- Staff Report from February 6, 2020, Planning & Zoning Commission meeting
- Minutes of the February 6, 2020, Planning & Zoning Commission meeting

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE RECON CENTER LLC, AN AUTOMOTIVE REPAIR BUSINESS, TO OPERATE AN ACCESSORY VEHICLE SALES USE AT 7609 RAYTOWN ROAD IN A HIGHWAY COMMERCIAL (HC) DISTRICT IN THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI

WHEREAS Application PZ-2020-02, submitted by Stephen Jones of Kansas City, Missouri, owner of The Recon Center, LLC, for approval of a Conditional Use Permit for an Accessory Use of Vehicle Sales Limited to not more than 12 Vehicles, within a Highway Commercial (HC) District in the City of Raytown, Jackson County, Missouri, was referred to the Planning & Zoning Commission; and

WHEREAS, the Planning & Zoning Commission considered the application on February 6, 2020, and by a vote of 5 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 held a Public Hearing on March 3, 2020 to consider the application; and

WHEREAS, the Board of Aldermen 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 The Recon Center, LLC, to operate an accessory Vehicle Sales use of not more than 12 vehicles at its facility at 7609 Raytown Road, Raytown, Missouri, is hereby approved.

SECTION 2 – CONDITIONS OF APPROVAL That the Conditional Use Permit for The Recon Center, LLC, be approved subject to the following conditions as contained in the staff report and as approved by the Planning & Zoning Commission:

1. The Applicant shall mark the 12 spaces dedicated for used vehicle sales clearly with a professionally stenciled label “Vehicles For Sale Only” and a wide painted stripe across the ends of the 12 parking spaces dedicated to vehicle sales.
2. The two handicapped parking spaces shown on the original site plan shall be restored to the site and properly marked with pole signs and have a properly striped unloading zone placed next to each marked handicapped space.
3. All signage shall be issued under separate permit process and shall meet Municipal Code requirements.
4. No unlicensed/inoperable vehicles will be permitted to be stored on the property outside of the principal structure without proper screening if such is designed to contain vehicles overnight. All vehicles for sale shall be properly marked as “For Sale”.
5. No Commercial Use Permit for vehicle sales will be issued until all requirements of this section have been met. A new business license shall be applied for to add the vehicle sales component.

- 6. The Recon Center shall not exceed the 24 parking spaces designated by its use category as auto repair and the 12 spaces designated for vehicle sales and shall not impede the activities of its neighbors by consuming parking spaces that are intended for their use. Further complaints received by the City from neighboring tenants regarding parking and drive aisle issues may result in this Conditional Use Permit being returned to the Planning Commission for reconsideration.
- 7. 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 March, 2020

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney



PZ 2020-02

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: February 6, 2020

Re: Application for Conditional Use Permit

CONDITIONAL USE PERMIT APPLICATION SUMMARY

Applicant: Stephen Jones, Recon Auto

Property Owner: William Graham

Property Location: 7609 Raytown Road

Request: Conditional Use Permit approval for Vehicle Sales for Existing Recon Auto Repair Business

The applicant, Stephen Jones, owner of Recon Auto, is requesting Conditional Use Permit (CUP) approval for a Vehicle and Equipment Sales use in a Highway Commercial (HC) zoning district. Per the city's land use table, vehicle sales can only be conditionally approved in this zoning district. The subject property is a multi-tenant building, with the Recon Auto location within it having been licensed as an auto repair facility in February, 2019, shortly after Flaco's Quality Auto Repair closed. Other tenants in the building include the property owner's Graham Plumbing business on the west end, Sisters in Christ next, then Recon Auto Repair, and the Disabled Veterans donation drop off facility on the far east end.



Figure 1 – Surrounding Zoning and Location Map



Staff Report

Community Development
Planning and Development Services

SURROUNDING ZONING AND LAND USES

Property's Zoning Classification	Highway Commercial (HC)
Surrounding Properties' Zoning	Highway Commercial (HC), High Density Residential (R-3), Low Density Residential (R-1)
Surrounding Overlay	350 Corridor Overlay
Surrounding Land Use	Commercial, Residential
Designated Future Land Use	Commercial
Ward	Ward 4
Approximate Land Area	1.54 Acres
Roadway Classification	Arterial, Highway

SITE DESCRIPTION, HISTORY, AND PRESENT USE

The site upon which this application is located consists of a 14,000 square foot multi-tenant office warehouse building surrounded by driveways and parking spaces. The lot is a through lot connecting Raytown Road with 350 Highway's eastbound lanes. The site plan for the property is dated 1987 and the building is identified as a "Retail Service Center" and has hosted numerous auto repair and motorcycle-related businesses over the years since construction. The primary tenant occupying 6500 square feet, about half the overall, is the property owner's business, Graham Plumbing. There are also three tenants in the remaining 7500 square feet, including Sisters in Christ, a religious organization in 1300 square feet that operates primarily at night, Recon Auto, the applicant, in 3500 square feet, and Disabled American Veterans in 2600 square feet on the easternmost end operating a donation drop off facility.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The structure is surrounded by commercial and apartment development on the east side of Raytown Road. On the North side of the subject property are two commercial buildings, including Popeyes Chicken. To the West are commercial multi-tenant buildings and the corner of a single family residential neighborhood on the west side of Raytown Road. To the South is the Raytown Village Apartments complex. To the East is the 350 Highway Corridor with Ace Hardware directly across the Eastbound Lanes of 350 Highway.

PUBLIC COMMENTS

The public notice was published in *The Daily Record* on January 20, 2020. Public notice letters were sent to property owners within 185 feet of the property by the applicant. The Neighborhood Information Meeting was held on January 29, 2020, and no one showed up for the meeting. To date, the Community Development Department has received no calls or written emails or letters regarding this application.



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:

1. Stability and integrity of the various zoning districts

The subject parcel and all adjacent lots to the north and east are zoned Highway Commercial (HC). This zoning district is designed to accommodate commercial activities that service and draw customers from a broad area, not just the surrounding neighborhoods. The presence of 350 Highway and the large daily count of vehicles along this roadway provide a ready and visible customer base for vehicle sales businesses. Use as a vehicle repair business, adding a small auto sales component, in compliance with the recommended conditions of approval, can be accomplished with minimal negative impacts. Vehicle repair businesses typically have a small need to sell vehicles that customers don't pick up after repairs are completed as well as vehicles that the mechanics purchase and fix up for sale when customer repair business slows down.

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 address past issues with this business appearing to utilize more of the available parking spaces than its fair share of the approximately 70 spaces surrounding the entire site, creating concerns for other tenants at times with both parking and access, based upon complaints received by staff. These complaints were addressed with the business owner at the time of each occurrence.

3. Protection against fire and casualties

Staff has no concerns regarding fire and/or casualties on this project. The existing building is a fairly modern long warehouse/office type of construction with numerous exiting opportunities in case of damage or fire. Site plan provides a date of 1987.

4. Observation of general police regulations

The proposed auto sales is not anticipated to violate any general police regulations. The activity is all contained on the site with the exception of the access points from 350 Highway and Raytown Road, which are located within the public right of way. Anytime vehicles are left unprotected overnight, there is the possibility that vandalism and theft can occur, but this true of any business and its products. Basic security measures including lighting and cameras can assist in reducing the risk of these types of crimes.

5. Prevention of traffic congestion

The proposed auto sales will not increase traffic congestion above what is normal for the vicinity. Additional traffic generated by the auto sales with no more than 12 cars displayed will be minimal and easily handled with the direct highway access to both eastbound 350 Highway and to Raytown Road, an arterial roadway.



Staff Report

Community Development
 Planning and Development Services

6. Promotion of traffic safety and the orderly parking of motor vehicles

The proposed auto sales will not substantially increase traffic safety risk over what is already present given two major means of ingress/egress, nor the orderly parking of motor vehicles as the site is confirmed to contain enough parking to address all the combined uses plus the 12 spots for vehicles for sale. Adequate access to the property is presently available directly from 350 Highway eastbound and from Raytown Road. Customer parking completely surrounds the property. Handicapped spaces shown on the site plan will need to be made to conform to modern ADA standards with a pole sign and striped off unloading zone, however, and is attached as conditions of approval. Staff has analyzed the parking demands for the site as follows, which has 70 parking spaces available, and determined that enough parking exists to meet the demands of every tenant on the property:

Graham Plumbing	6500 SF	Indoor Sales, 1 Employee	17 spaces
Sisters In Christ	1300 SF	Office, Evening Operation	6 spaces
Recon Auto	3500 SF	3 Employees, 7 Bays	24 spaces
Disabled Veterans	<u>2600 SF</u>	5 Employees estimated	<u>5 spaces</u>
	14,000 SF		52 spaces
Adding 12 sales spaces:			<u>12 spaces</u>
			64 spaces

It is important to note that Graham Plumbing only uses 4 spaces although 17 is required by code so there is a built in padding to these numbers based upon the business owners own statement that he rarely has more than 3 customers at a time plus himself as the only employee. Additionally, Sisters in Christ primarily conducts their activities in the evenings when the other tenants are closed.

7. Promotion of the safety of individuals and property

The proposed auto sales will not affect the safety of individuals or property. The structure is in reasonable condition and no building modifications are required to accommodate the vehicle sales component of Recon Auto's operations.

8. Provision for adequate light and air

The proposed auto sales will not significantly affect the air quality of the area above what is normal for a commercial development that includes vehicle maintenance operations, and should have minor additional impact on neighboring properties as the request for 12 cars to be displayed is not a major increase in business activity on the site.

9. Prevention of overcrowding and excessive intensity of land uses

The proposed auto sales will affect the intensity of use on the property but shouldn't cause overcrowding as every use is accounted for with the parking group calculations with spaces to spare.

10. Provision for public utilities and schools

The proposed auto sales will not affect any public utilities or schools but may generate some additional revenue in return. The business office will occupy an existing structure already connected to utility services.



Staff Report

Community Development
Planning and Development Services

11. Invasion by inappropriate uses

While vehicle sales by repair shops are fairly common, Raytown has been receiving a lot of interest and inquiries into used vehicle sales recently and staff has been working on code changes designed to reduce the impact of such businesses on the community but these changes are still in the public hearing process and not adopted yet.

12. Value, type and character of existing or authorized improvements and land uses

The property on which the proposed business would be located is developed. Staff has provided recommended conditions of approval to ensure compliance with existing code standards.

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 and followed by the applicant.

14. Provision for orderly and proper renewal, development and growth

The proposed auto sales should not affect the orderly and proper renewal, development or growth of the city if the Planning Commission decides this application is an appropriate use at this location. The applicant already runs a legally existing auto repair business and is requesting to use 12 parking spaces of the 70 on the site to place vehicles for sale.

RECOMMENDATION

Staff recommends approval this application for The Recon Center to operate a vehicle sales component not to exceed a maximum of 12 vehicles with the following conditions of approval:

1. Applicant shall mark the 12 spaces dedicated for used vehicle sales clearly with a professionally stenciled label "Vehicle For Sale Only" on each of the 12 spaces dedicated to vehicle sales.
2. The two handicapped parking spaces shown on the site plan shall be properly marked with pole signs and have a properly striped unloading zone placed next to each marked space.
3. All signage shall be issued under separate permit process and shall meet Municipal Code requirements.
4. No unlicensed/inoperable vehicles will be permitted to be stored on the property outside of the principal structure without proper screening if such is designed to contain vehicles overnight. All vehicles for sale shall be properly marked as "For Sale".
5. No Commercial Use Permit for vehicle sales will be issued until all requirements of this section have been met. A new business license shall be applied for to add the vehicle sales component.



Staff Report

Community Development
Planning and Development Services

6. The Recon Center shall not exceed the 24 parking spaces designated by its use category as auto repair and the 12 spaces designated for vehicle sales and shall not impede the activities of its neighbors by consuming parking spaces that are intended for their use. Further complaints received by the City from neighboring tenants regarding parking and drive aisle issues may result in this Conditional use Permit being returned to the Planning Commission for reconsideration.

7. Compliance with all applicable local, state and federal regulations, codes, ordinances, and laws.

CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
REGULAR MEETING
MINUTES

February 6, 2020
7:00 pm

Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133

1. Welcome by Acting Chairwoman Dee Ann Stock

2. Call meeting to order and Roll Call

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

3. Approval of Minutes: Minutes of January 16, 2020, approved 5-0 upon motion by Frazier and second by Emerson.

4. New Business

A. Case No.: PZ 2029-02: Application for a Conditional Use Permit for Accessory Used Vehicle Sales for an existing Vehicle Repair Shop Located at 7609 Raytown Road in a Highway Commercial, HC, zone.

1. Introduction of Application by Chairman.

Acting Chairwoman Stock 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.

Commissioner Emerson reported Ex Parte communications with the applicant regarding this application.

3. Enter Relevant Exhibits into the Record.

Acting Chairwoman Stock 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, reviewing the location of the application, surrounding zoning and uses of property and addressed all the criteria required for a Conditional Use Permit to be issued. Included was an in-depth analysis of the available parking on the site and that the site could support the requested amount of vehicles for sale, provide enough parking for the other tenants on the site, and have additional leftover spaces.

Planning Commission discussion with questions for staff.

5. Request for Public Comment by Chairman.

William Graham, 7609 Raytown Road, the property owner testified in support of the application.

Stephen Jones, 7609 Raytown Road, the business owner of Recon Auto, testified on behalf of his application. Mr. Jones agreed to the conditions of approval in the staff report.

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 Conditional Use Permit to the Board of Aldermen with the conditions as specified in the staff report.

Ms. Emerson moved and Ms. Thurman seconded to recommend approval as recommended in the staff report. Motion passed 5-0.

B. Case No.: PZ 2029-03: Application for a Conditional Use Permit for Used Vehicle Sales Sales to be located at 6824 Blue Ridge Blvd. in a Highway Commercial, HC, zone.

1. Introduction of Application by Chairman.

Acting Chairwoman Stock 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.

Acting Chairwoman Stock 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, reviewing the location of the application, surrounding zoning and uses of property and addressed all the criteria required for a Conditional Use Permit to be issued.

Planning Commission discussion with questions for staff.

5. Request for Public Comment by Chairman.

Tara Nielsen, 5309 W. 116th St., Leawood, Kansas, representing the current property owner, Willie Rickel, testified in support of the application.

Doug White, 3225 S. Noland Rd., Independence, Missouri, representing the Business, Right Way Auto, spoke in support of the company's application. Mr. White agreed to the conditions contained in the staff report.

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 Conditional Use Permit to the Board of Aldermen with the conditions as specified in the staff report.

Mr. Frazier moved and Ms. Emerson seconded to recommend approval as recommended in the staff report. Motion passed 5-0.

5. Other Business- Chris Gilbert provided a status update on several recent cases reviewed by the Planning Commission.

6. Set Future Meeting Date – Next regular meeting on March 5, 2020, with additional CUP applications to be on the agenda.

7. Adjourn at 8:28 PM upon motion by Mr. Frazier and second by Ms. Thurman.

CITY OF RAYTOWN
Request for Board Action

Date: February 25, 2020
To: Mayor and Board of Aldermen
From: Jennifer Baird, City Attorney

Bill No.: 6532-19
Section No.: IV-C-11

Department Head Approval: _____

Finance Director Approval: _____ (only if funding is requested)

City Administrator Approval: _____

Action Requested: Board of Aldermen approval to repeal various sections and amend other sections of Chapter 2 and Chapter 48 of the City of Raytown's code regarding Emergency Services and ambulance services.

Recommendation: Staff recommends approval as submitted.

Analysis: On April 2, 2019, the residents of Raytown voted to authorize the Raytown Fire Protection District to provide emergency ambulance service within the City of Raytown. The Raytown Fire Protection District obtained the necessary emergency ambulance service license from the State of Missouri and effective November 1, 2019 began operating such services independent of the City of Raytown.

Per the terms of the approved Emergency Medical Services License Transfer Agreement, the City of Raytown completed the transfer of all emergency ambulance service assets.

The proposed ordinance would repeal various sections and amend other sections of Chapter 2 and Chapter 48 of the City of Raytown's code related to the Emergency Services Department and Ambulances Services.

Alternatives: Not approved the proposed repeal and amendments to Chapter 2 and Chapter 48.

Budgetary Impact:

Not Applicable

Additional Reports Attached: Amended Ordinance Chapter 2 and Chapter 48.

AN ORDINANCE REPEALING VARIOUS SECTIONS AND AMENDING OTHER SECTIONS OF THE CITY CODE OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI, REGARDING EMS AND AMBULANCE SERVICES

WHEREAS, on September 25, 2018, the City of Raytown, Missouri (“City”) and the Raytown Fire Protection District (“District”) entered into an Emergency Medical Services License Transfer Agreement whereby the City agreed to transfer and the District agreed to accept the transfer of the City’s Emergency Medical Services License and assets; and

WHEREAS, the City and District diligently examined the issue and concluded that certain efficiencies and performance gains are likely to be realized by having a common command and control over emergency medical services (“Services”); and

WHEREAS, the District now has its emergency medical services license, funding and assets to be the sole provider of the Services; and

WHEREAS, since the District will now be the sole provider of the Services, the City wishes to revise its ordinances to remove references to same.

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

SECTION 1 – REPEAL. That the following sections are hereby repealed and deleted in their entirety:

- Chapter 2, Administration, Article IV, Departments, Division 2, Emergency Services Department:
 - Sec. 2-295 – Department created; authority of director;
 - Sec. 2-296 – Duties of director;
 - Sec. 2-297 – Department responsibilities;
 - Sec. 2-298 – Emergency medical services rules and regulations adopted;
- Chapter 48, Vehicles for Hire, Article II, Ambulances:
 - Sec. 48.21 – Scope of services; emergency and nonemergency transport defined;
 - Sec. 48.22 – Ambulance charges;
 - Sec. 48.23 – Exclusivity of service within city;
 - Sec. 48.24 – Nonpayment of ambulance service bill; false request for ambulance a crime

SECTION 2 – AMENDMENT. The Raytown Municipal Code is hereby amended as set forth in Exhibit “A”, which is attached hereto and incorporated herein.

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 3rd day of March, 2020

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney

EXHIBIT A

Chapter 28 – OFFENSES AND NUISANCES

ARTICLE VIII. – OFFENSES RELATING TO ADMINISTRATION OF JUSTICE

Sec. 28-243. – Resisting or interfering with arrest.

(b) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any city public safety officer, employee or inspector, including, but not limited to, any health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, or any officer of the city police department or any member of any other law enforcement agency or police force, or any member of any fire suppression agency or fire district in the discharge of his official duty, including firefighters and fire prevention inspectors.

(c) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any firefighter, fire suppression personnel, any ambulance contractor providing ambulance service for the city or any first responder in the discharge of his official duty.

Chapter 42 – TRAFFIC AND MOTOR VEHICLES

ARTICLE III. – ENFORCEMENT

Sec. 42-51. – Authority of police officials.

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Sec. 42-52. – Obedience to police officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer official.

REDLINE VERSION – NOT PART OF THE ORDINANCE

Below is the full text of the current language in the City Code. Language that has been removed is shown as a strike thru. Language that has been added is shown in bold font and is underlined.

Chapter 2 – ADMINISTRATION

ARTICLE IV. – DEPARTMENTS

~~DIVISION 2. – EMERGENCY SERVICES DEPARTMENT~~

~~Sec. 2-295. – Department created; authority of director.~~

~~———— There is hereby organized and created a department of emergency services and the said department shall be under the direction of the director of emergency services who will supervise and control the department. The director of emergency services is hereby authorized and directed to prescribe rules and regulations concerning the operation of an ambulance service for the city and for emergency management functions as well as for the conduct of the employees of said department, all of which shall be consistent with personnel rules and regulations and all existing ordinances and state statutes.~~

~~(Code 1969, § 2-210; Ord. No. 4225-96, § 1, 12-17-1996)~~

~~Sec. 2-296. – Duties of director.~~

~~———— The director of emergency services shall have the authority and duty to manage and operate the emergency services department of the city; he shall be responsible for the preparation of the budget for said department; he shall prepare and present to the board of aldermen, for approval, an operating policy for said department; he shall supervise the purchase of all materials, supplies and equipment for said department; he shall submit monthly reports to the board of aldermen concerning the activities of said department and keep the board of aldermen advised of the financial conditions and future needs of said department and make such recommendations as he may deem desirable.~~

~~(Code 1969, § 2-211; Ord. No. 4225-96, § 1, 12-17-1996)~~

~~Sec. 2-297. – Department responsibilities.~~

~~———— The department of emergency services shall include ambulance service and emergency management services.~~

~~(Code 1969, § 2-212; Ord. No. 4225-96, § 1, 12-17-1996)~~

~~Sec. 2-298. – Emergency medical services rules and regulations adopted.~~

~~—The city emergency medical services rules and regulations relating to responsibility and authority of personnel; uniforms and dress codes; vehicles; living quarters; communications, paperwork and reports; training; community education; suggested guidelines for care of patient and vehicle during call; life flight field procedure; and response to calls, are hereby accepted, approved and adopted by the city.~~

(Code 1969, § 2-214; Ord. No. 4225-96, § 1, 12-17-1996)

Chapter 28 – OFFENSES AND NUISANCES

ARTICLE VIII. – OFFENSES RELATING TO ADMINISTRATION OF JUSTICE

Sec. 28-243. – Resisting or interfering with arrest.

(b) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any city public safety officer, employee or inspector, including, but not limited to, any ~~firefighter or other fire suppression employee, fire prevention inspector,~~ health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, or any officer of the city police department or any member of any other law enforcement agency or police force, or any member of any fire suppression agency or fire district in the discharge of his official duty, including firefighters and fire prevention inspectors.

(c) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any firefighter, fire suppression personnel, ~~city emergency medical services department staff,~~ any ambulance contractor providing ambulance service for the city's ~~emergency medical services department~~ or any first responder in the discharge of his official duty.

Chapter 42 – TRAFFIC AND MOTOR VEHICLES

ARTICLE III. – ENFORCEMENT

Sec. 42-51. – Authority of police ~~and fire department~~ officials.

- (c) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (d) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

- (e) ~~Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.~~

(Code 1969, § 23-21; Ord. No. 298-70, 10-6-1970; Ord. No. 2364-82, § 9, 3-2-1982)

Sec. 42-52. – Obedience to police ~~and fire department~~ officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer ~~or fire department~~ official.

(Code 1969, § 23-22; Ord. No. 298-70, 10-6-1970; Ord. No. 2364-82, § 9, 3-2-1982)

Chapter 48 – VEHICLES FOR HIRE¹

¹*State Law reference – Local licensing and regulation of taxicabs and other vehicles for hire in transportation passengers, RSMo 301.340, 94.110, 94.360; regulation of motor carriers, RSMo 390.0121 et seq.; ~~authority to operate ambulance services, RSMo 67.300.~~*

ARTICLE II. – AMBULANCES²

²*State Law reference – ~~Authority to operate ambulance service, RSMo 67.300~~*

~~Sec. 48-21. – Scope of services; emergency and nonemergency transport defined.~~

- (a) ~~The emergency medical services division of the department of emergency services is authorized to operate an ambulance service for both emergency and nonemergency transport of patients.~~
- (b) ~~The term “emergency transport,” as used throughout this article, means transport of a person with a present medical emergency such that immediate ambulance transport is reasonably medically necessary.~~
- (c) ~~The term “nonemergency transport,” as used throughout this article, means transport of any person for any reason not set forth in subsection (b) of this section.~~

(Code 1969, § 24-34; Ord. No. 3945-93, § 4, 12-21-1993; Ord. No. 4225-96, § 16, 12-17-1996; Ord. No. 4454-98, § 1, 12-1-1998; Ord. No. 5384-10, § 1(24-34), 12-21-2010)

~~Sec. 48-22. – Ambulance charges.~~

~~—The director of emergency services shall recommend to the board of aldermen a schedule of ambulance charges, which may be revised and amended each year during the budget process. The fee is approved by the governing body and listed in the schedule of fees and charges maintained in the city clerk’s office.~~

(Code 1969, § 24-34; Ord. No. 3945-93, § 4, 12-21-1993; Ord. No. 4225-96, § 16, 12-17-1996; Ord. No. 4454-98, § 1, 12-1-1998; Ord. No. 5384-10, § 1(24-34), 12-21-2010)

~~Sec. 48-23. — Exclusivity of service within city.~~

- ~~(a) The emergency medical services division of the department of emergency services shall be the exclusive provider of ambulance services within the city, except as provided in subsection (c) of this section.~~
- ~~(b) It shall be unlawful for any ambulance provider other than the denominated in subsection (a) of this section to provide, furnish, operate, maintain, or otherwise engage in or profess to engage in the business of an ambulance service within the city, except as provided in subsection (c) of this section.~~
- ~~(c) This section shall not apply to ambulance services which are either:
 - ~~(1) Owned or operated by an agency of the United States government;~~
 - ~~(2) Rendering requested assistance to ambulances of the city emergency medical services division in cases of disaster or major emergency too great for local resources;~~
 - ~~(3) In response to the provisions of written community mutual aid agreements;~~
 - ~~(4) Rendering assistance when ambulances of the city emergency medical services division are unavailable; or~~
 - ~~(5) Operated from a location or headquarters outside the city and transporting patients who are picked up outside the limits of the city to locations within the city or through the city to other locations.~~~~

~~(Code 1969, § 24-34; Ord. No. 3945-93, § 4, 12-21-1993; Ord. No. 4225-96, § 16, 12-17-1996)~~

~~Sec. 48-24. — Nonpayment of ambulance service bill; false request for ambulance a crime.~~

~~— Any person who shall:~~

- ~~(1) Obtain or receive ambulance services without intending at the time of obtaining or receiving such services to pay, if financially able, the necessary charges. A determination that the recipient of such services has failed to pay for the services rendered for a period of 90 days after request for payment shall create a rebuttable presumption that the recipient of the services did not intend to pay for the services at the time they were obtained or received; or~~
- ~~(2) Knowingly and willfully summon an ambulance or report that an ambulance is needed when such person knows that the services of an ambulance are not needed;~~

~~Shall be deemed guilty of an offense and punished as provided in section 1-22.~~

~~(Code 1969, § 24-37; Ord. No. 3945-93, § 4, 12-21-1993)~~

Teresa Henry

From: Missy Wilson
Sent: Thursday, February 13, 2020 5:02 PM
To: Greg Walters
Cc: Damon Hodges; Teresa Henry
Subject: RE: Removal of agenda item for discussion of

Alderman Walters: Thank you for the e-mail. The City Clerk has made the necessary changes to the February 18th agenda to remove your discussion item. The item will be included on the March 3rd agenda.

Missy Wilson
ASSISTANT CITY ADMINISTRATOR
City of Raytown, MO
10000 E. 59th Street
Raytown, MO 64133
816.737.6091 Direct
816.589.0188 Cell
missyw@raytown.mo.us

From: Greg Walters <greg@serviceprintingonline.com>
Sent: Thursday, February 13, 2020 4:54 PM
To: Missy Wilson <missyw@raytown.mo.us>
Subject: FW: Removal of agenda item for discussion of

From: Greg Walters [<mailto:greg@serviceprintingonline.com>]
Sent: Thursday, February 13, 2020 2:09 PM
To: 'Damon Hodges'; 'Teresa Henry'
Cc: 'jbaird@laubermunicipal.com'
Subject: Removal of agenda item for discussion of

Damon,

I spoke to Derek Ward today. He will not be at the February 18th meeting. With that in mind, please remove the discussion item concerning changes for the notification of zoning applications off the February 18th agenda

Mr. Ward will be in town for the March 3rd meeting. Please re-schedule the discussion item for that meeting. To keep the discussion focused, use the copy of the verbiage we have been trading back and forth. The copy last sent by your office looks good to me.

You asked for instances of abuse the proposal would help eliminate. Please read on . . .

The There have been instances in the past when abuse of the notification process has not been followed properly. To the credit of city staff I have not heard of any such abuse of the notification process under your watch.

The most recent I am aware of was when the Dollar General Store on 63rd Street next to Blue Ridge Elementary was approved for rezoning. Here is their story.

Residents surrounding the application site were opposed to a zoning change of a retail establishment in the middle of their residentially zoned neighborhood.

This was not the first attempt by the applicant to build a retail outlet at the location. He had previously tried twice. In both of those applications the request was denied. On the third attempt, it passed. These three attempts had in three consecutive years.

The old adage that “no” is temporary and “yes” is forever, was proven to be true. I became aware of the application when I saw it mentioned on the City’s website. I contacted a friend of mine who lived directly across the street from where the Dollar General would be built. She was unaware of what was coming. She and her neighbors were alarmed that it was being considered again. Many of them said they had not received notification. Only two of the people in the neighborhood were able to attend the Planning and Zoning Hearing. Two people, ill-prepared for selling their point of view did not make much of an impact. The zoning was recommended for approval by P&Z.

The residents in the neighborhoods surrounding the proposed Dollar General were just as opposed to this application as they were to previous applications. The applicant had threatened some of the neighbors with “if this does not pass, I will build Section Eight housing there instead”. At the time the mood of the City Council was dominated by people who believed “as long as it produces revenue for the city it is a good thing.”*

*This same Board also approved zoning property directly across from Raytown High School to allow liquor by the drink. Some of those same members are now raising the alarm because there are so many liquor related establishments in Raytown.

Without time to organize the opposition, the application skated right through for approval by the Board of Aldermen.

It is important to note the representatives of the neighborhood were unfamiliar with a petition process that would have required a super majority to approve the application.

Since Dollar General opened at the 63rd Street location there has been one strong arm robbery at the location, with guns and a clean get-away. My friends along 63rd Street are not too impressed with the change in the neighborhood. The word to they use to describe the store is “blight”. The store looks as out of place as a cold sore on a mouth.

This is just one case of abuse of the system from the past. There are many more. Some with a good outcome, some not so good.

The current language is so weak that ill-intentioned applicants will take advantage of it. The change to requiring for the city to handle the notification process (expense paid for by the applicant) places an iron-clad procedure in place to guarantee applicants are protected as well. It certifies the mail notification was sent and received. This protects the applicant in case anyone claims they did not receive proper notification.

Raytown is built out to the point where some of the applications for rezoning will inevitably affect residential neighborhoods in a detrimental way. It could take the form of multi-family housing in a single family neighborhood. It could take the form of retail and commercial zoning in residentially zoned neighborhoods.

For Raytown to improve its image we need to guarantee the integrity of our neighborhoods. There are areas in my Ward where an impressive amount of upgrading is taking place in the housing stock. People see the value in upgrading their homes and putting down roots here. A forward thinking policy, geared toward supporting strong neighborhoods, will help rebuild Raytown's image in the metropolitan area.

I hope you agree. Your staff's help in selling this legislation would be appreciated.

Damon Hodges

From: Damon Hodges
Sent: Monday, February 10, 2020 5:13 PM
To: greg walters
Cc: Alderman Derek Ward; Damon Hodges; Teresa Henry (thenry@raytown.mo.us); Mayor Mike McDonough (Mayor_Mike_McDonough@raytown.mo.us)
Subject: RE: Zoning Ordinance - notification requirements of applicants.
Attachments: Notice Requirements.pdf

Alderman Walters,

I receive the message and attachment on Jan. 31st, 2020. It will be on the agenda February 18th as a discussion item. As a reminder as a amendment to the text of the Zoning ordinance, it will require a public hearing before the Planning Commission and Board of Alderman.

CURRENT COPY:

Sec. 50.560.01 – Neighborhood information meeting.

~~(c) Applicant(s) shall send a courtesy notice to property owners 185 ft. of the applicant property.~~

SUGGESTED CHANGE:

Sec. 50.560.01 – Neighborhood information meeting.

(c) The city shall send a registered letter to property owners within 185 ft. of the applicant. Cost of the mailing shall be borne by the applicant.

To assist with assessment from staff- What is your issue with the current language? Do you have any additional information/memo you would like to provide with the discussion item?

Yes I was aware of the closure of the Sonic. I have also noticed that we have R&R , Lutfis, Arbys, Walgreens etc.. on the north side.

Respectfully,

Damon Hodges
CITY ADMINISTRATOR
City of Raytown, MO
10000 E. 59th Street
Raytown, MO 64133
816.737.6065 Direct
816.772.5560 Cell
damonh@raytown.mo.us

From: greg walters <gregtwalters@sbcglobal.net>
Sent: Sunday, February 9, 2020 7:13 PM
To: Damon Hodges <damonh@raytown.mo.us>
Cc: Alderman Derek Ward <alderman_derek_ward@raytown.mo.us>
Subject: Zoning Ordinance - notification requirements of applicants.

Damon,

I spoke with Alderman Ward regarding the Zoning Ordinance – “notification requirements of applicants”. He says he will co-sponsor the bill with me on the next Agenda (February 18, 2020). I wanted to make sure it will be on the agenda at that time. Please let me know.

My wife tells me the Sonic on 350 Highway close down.

Have you noticed that everything on the south side of 350 Highway thrives. Everything on the north side dies! I think it is because the north side has more room for traffic. Here is a little factoid for you McDonalds on 350 Highway. They used to be located on the north side. I knew the owners at the time. They decided to expand and re-build on the south side of 350 (where they are currently located). They told me when they relocated their business quadrupled. Guess it's like selling cars. Location, location, location.

Greg

Sec. 50-560.01. - Neighborhood information meeting.

- (a) Purpose. Citizen participation in the planning process is essential to the successful growth of the community.

This citizen participation requirement is designed to inform and involve neighboring residents in the process of community change. It is not intended that complete consensus be achieved on all applications, but neighborhood concerns can be identified early on and addressed to some degree prior to the public hearing. Specifically, the purpose of citizen participation is to:

- (1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
 - (2) Ensure that the citizens and property owners of Raytown have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process; and
 - (3) Facilitate ongoing communication between the applicant, interested citizens and property owners, city staff and elected officials throughout the application review process.
- (b) This section applies to rezoning, preliminary plat, planned development, conditional use and site plan applications.
- (c) Applicants shall send a courtesy notice to property owners within 185 feet of the applicant property; the president of any home-owners association or registered neighborhood within 500 feet of the application; and other interested parties who have requested that they be placed on the interested parties notification list maintained by the city.

The notice will provide a brief description of the application and will establish a date and location for a meeting to discuss the issues regarding the application. The meeting shall be held at least two weeks prior to the planning commission meeting for which the application is scheduled.

- (d) The applicant will submit a written summary report identifying the number of persons attending the meeting, the issues raised, and the resolution to any issues solved. The report shall be submitted to the secretary of the planning commission at least ten days prior to the date of the planning commission meeting scheduled to discuss the application.

(Ord. No. 5567-17, § 2, 1-3-2017)

Sec. 50-560.02. - Posted sign notice.

- (a) This section applies to rezoning, preliminary plat, planned development, conditional use and site plan applications.
- (b) The applicant will post a sign informing the general public that a hearing will be held concerning the pending application. The sign will be furnished by the city and must be posted at least 15 days prior to the date of the public hearing.
- (c) A sign must be posted along each road frontage in a conspicuous place on the property upon which action is pending. The sign must be placed within five feet of the right-of-way line in a central position on the property and placed so that the sign is clearly visible from the street.
- (d) The applicant is responsible for maintaining the sign on the property for at least 15 days prior to the hearing, through the hearing, and through any continuances of the hearing by the planning and zoning commission.

(Ord. No. 5567-17, § 2, 1-3-2017)

Sec. 50-561. - Public hearing.

- (a) *When required.* No proposed changes to this chapter, restrictions or boundaries shall become effective until after public hearing before the planning commission and board of aldermen in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A public hearing may also be required by the terms of this chapter.
- (b) *Notice.* Where a public hearing is required, public notice of the hearing shall be published by the director of development and public affairs not less than 15 days prior to the date of said hearing in a newspaper of general circulation legally authorized to publish such notices. Where the hearing is for consideration of changes in the text of this chapter or a general revision of the boundaries of zoning districts, the notice shall contain a statement regarding the proposed changes in this chapter or in the boundaries of the zone or district. Where the hearing is for an application that relates to specific property, the property shall be identified by general location description or street address. Proof of publication of such notice shall be filed with the planning commission in advance of said hearing by the director of development and public affairs, who is responsible for such publications. The board of aldermen, after receiving a recommendation from the planning commission, may require

the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning by either requiring that the land be platted or replatted according to any subdivision regulations of the city or, in lieu of platting, by a legal document making such required dedications.

(c) *Referral to planning commission.* Where a public hearing is required, the application shall first be submitted to the planning commission for recommendation and report. The planning commission shall cause an accurate written summary to be made of the proceedings.

(d) *Rules of procedure.* The planning commission and board of aldermen may adopt rules of procedure for consideration of applications.

(Comp. Ord. of 4-20-2010, § 23-4)

CITY OF RAYTOWN PLANNING AND ZONING APPLICATION PUBLIC NOTIFICATION PROCEDURES

Per Missouri Statutes and Chapter 50 of the Raytown Municipal Code, all Planning and Zoning Applications follow a specific public notification procedure which can vary depending on the type of application.

ZONING TEXT AMENDMENTS

- Zoning text amendment hearing notices are prepared by Community Development staff and sent by the City Clerk's office to the Daily Record in Kansas City for publication at least 15 days prior to the date of the first public hearing before the Planning Commission and also includes the Board of Aldermen Public Hearing date.
- On the Friday prior to the Planning Commission public hearing, Community Development staff places both the Agenda Only and the Full Agenda Packet on the City Website and places a copy of the agenda in the public viewing glass bulletin board inside the main entrance to City Hall.

SITE SPECIFIC APPLICATIONS

- Public hearing notices are prepared by Community Development staff and sent by the City Clerk's office to the Daily Record in Kansas City for publication at least 15 days prior to the date of the first public hearing before the Planning Commission and also includes the Board of Aldermen Public Hearing date.
- This notice also includes the public hearing date for the Board of Aldermen.
- Staff prepares a map and a list of property owners within 185 feet of the subject property (measured boundary of parcel to boundary of parcel).
- The ownership list is provided to the applicant with an invitation letter to the neighborhood meeting and the Public hearings before the Planning Commission and Board of Aldermen.
- The applicant is required to provide a list of those who showed up to the Neighborhood Meeting and a synopsis of the items discussed, which staff then includes in the Planning Commission staff report. The neighborhood meeting can be held anywhere that is successful for the public to attend but is usually held at Raytown City Hall. Staff is not part of this meeting
- A Public Hearing Notice (2 ft x 3 ft) yellow sign is marked by staff with the proper case information and provided to the applicant to post on the subject property 15 days prior to the Planning Commission public hearing. Staff requests a photo of the posted sign be provided by the applicant.
- On the Friday prior to the Planning Commission public hearing, Community Development staff places both the Agenda Only and the Full Agenda Packet on the City Website and places a copy of the agenda in the public viewing glass bulletin board inside the main entrance to City Hall.

NOTE: Once a case proceeds to a Request for Board Action, the same noticing on the website and bulletin board occurs, plus an additional posting of a link to the website on social media.