

**CITY OF RAYTOWN  
PLANNING & ZONING COMMISSION**

**AGENDA**

**November 21, 2019  
7:00 pm**

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

**1. Welcome by Chairperson**

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

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

**3. Approval of October 17, 2019, Meeting Minutes**

- a) Revisions
- b) Motion
- c) Second
- d) Additional Board Discussion
- e) Vote

**4. Old Business: None.**

**5. New Business**

**A. Case No.: PZ-2019-12**

**Applicant: City of Raytown**

**Reason: Proposed Text Amendments to Raytown Municipal Code Chapter 4, "Alcoholic Beverages, Chapter 10, "Businesses and Business Regulations, and Chapter 50, "Zoning"**

- 1. Introduction of Application by Chair
- 2. Explanation of any ex parte' communication from Commission members regarding the application
- 3. Enter Additional Relevant City Exhibits into the Record:
  - a. Staff report
  - b. Proposed text Amendments

4. Staff Presentation of Proposed Text Amendments
5. Request for Public Comment by Chairman
6. Commission Discussion
7. Commission Decision to Approve, Conditionally Approve or Deny the Application
  - a. Motion
  - b. Second
  - c. Additional Board Discussion
  - d. Vote

**B. Case No.: PZ-2019-13**

**Applicant: City of Raytown**

**Reason: Proposed Text Amendments to Raytown Municipal Code Chapter 50, Article VIII, "Sign Regulations"**

1. Introduction of Application by Chair
2. Explanation of any ex parte' communication from Commission members regarding the application
3. Enter Additional Relevant City Exhibits into the Record:
  - a. Staff report
  - b. Proposed Text Amendments
4. Staff Presentation of Proposed Text Amendments
5. Request for Public Comment by Chairman
6. Commission Discussion
7. Commission Decision to Approve, Conditionally Approve or Deny the Application
  - a. Motion
  - b. Second
  - c. Additional Commission Discussion
  - d. Vote

**C. Case No.: PZ-2019-14**

**Applicant: City of Raytown**

**Reason: Proposed Text Amendments to Raytown Municipal Code Chapter 50, Article IV, "Districts and District Map"**

1. Introduction of Application by Chair
2. Explanation of any ex parte' communication from Commission members regarding the application
3. Enter Additional Relevant City Exhibits into the Record:
  - a. Staff report
  - b. Proposed Text Amendments
4. Staff Presentation of Proposed Text Amendments
5. Request for Public Comment by Chairman
6. Commission Discussion

7. Commission Decision to Approve, Conditionally Approve or Deny the Application
  - a. Motion
  - b. Second
  - c. Additional Commission Discussion
  - d. Vote

**6. Other Business- None**

7. **Set Future Meeting Date – Next Regular Meeting, Thursday, January 2, 2020 at 7:00 PM.** With the scope of these November Text Amendment Items, Staff recommends, if necessary, using **Thursday, December 12, 2019, at 7:30 PM** as a continuance date certain for any of the Text Amendment Cases on this month's agenda. There are no cases scheduled for the **Thursday, December 5, 2019**, regular meeting, and it is hereby cancelled.

**8. Adjourn**

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

October 17, 2019  
7:00 pm

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

**1. Welcome by Chairman Wilson**

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

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

**3. Approval of Minutes**

**A. August 15, 2019, Meeting Minutes**

The minutes were approved unanimously (8-0) upon motion by Ms. Stock and second by Mr. Frazier.

**B. September 5, 2019 Work Session Minutes**

The minutes were approved as amended to show Commissioners Ms. Dwight and Ms. Thurman present for the meeting, upon motion by Mr. Frazier and second by Ms. Stock.

**4. Old Business: None**

**5. New Business**

**A. Case No.: PZ-2019-09**

Applicant: Christopher Bowers

Reason: Conditional Use Permit for Vehicle Repair/General at 8838 E. 350 Hwy. in a Highway Commercial, HC, zone

**Introduction of Application by Chairman Wilson**

Jennifer Baird, Raytown City Attorney, swore in all members of the public that wished to speak regarding this application.

**1. Explanation of any exparte' communication from Commission members regarding the application**

No exparte communications reported.

**2. Enter Additional Relevant City Exhibits into the Record:**

- a. Staff report
- b. Conditional Use Permit Application
- c. Public Notice Information
- d. Applicant's site plan
- e. Site photos

**3. Introduction of Application by Staff**

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, a site plan, and various photos of the site. Mr. Gilbert addressed the history of the property, having been Raytown Transmission for many years before becoming vacant in 2017 and remaining so until the present.

**4. Presentation of Application by Applicant**

Christopher Bowers appeared as the representative for the application. Chairman Wilson asked if he was ok with the conditions of approval and what his hours of operation would be. Mr. Bowers said he was okay with the conditions and his hours of operation would be 9 am to 6 pm.

Ms. Dwight asked Mr. Bowers if he was fixing issues with the owner of the property through an agreement. Mr. Bowers said he was.

Ms. Bettis asked if any of the issues were a hardship. Mr. Bowers said just moving in the wintertime.

Ms. Dwight asked if the Payright Auto Repair sign was okay. Mr. Gilbert said that the applicant was informed that his contractor needs to come in and get the sign permit.

Mr. Frazier asked if he had a business in Independence and if he had any violations on the property. Mr. Bowers said yes but is moving it to Raytown from the Englewood area. He wont be staying because he is being forced out to make way for redevelopment. Mr. Bowers said he had received citations in the past but all of those were corrected.

Mr. Bettis asked what his open date might be. Mr. Bowers said end of November, December, if possible.

Mr. Frazier asked if he was intending to have any vehicle sales. Mr. Bowers said not right now.

An extended fence repair discussion took place regarding the chain link, barbed wire-topped fence at the rear of the property that was leaning into Mr. Bowers' building's emergency egress area.

**5. Public Comment**

None.

**6. Board Decision to Approve, Conditionally Approve or Deny the Application**

- a. Motion – Ms. Emerson moved to recommend approval based upon the recommendations in the staff report.
- b. Second – Mr. Bettis, voicing support for the applicant's efforts at this location.
- c. Vote (8-0) – Motion passes unanimously.

**B. Case No.: PZ-2019-10**

Applicant: Anthony LaRose

Reason: Conditional Use Permit for Tattoo/Body Piercing Shop at 6132 Blue Ridge Blvd. in a Neighborhood Commercial, NC, zone.

**Introduction of Application by Chairman Wilson**

Jennifer Baird, Raytown City Attorney, swore in all members of the public that wished to speak regarding this application.

**1. Explanation of any ex parte' communication from Commission members regarding the application**

No ex parte communications reported.

**2. Enter Additional Relevant City Exhibits into the Record:**

- a. Staff report
- b. Conditional Use Permit Application
- c. Public Notice Information
- d. Applicant's site plan
- e. Site photos

**3. Introduction of Application by Staff**

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, a site plan, and various photos of the site. Mr. Gilbert addressed the history of the property, having been an Allstate insurance office for Terry Mammen, then used for other office-type business until 2017 when the most recent tenant's license expired. Mr. Gilbert stated that he had a copy of the applicant's medical test results if any of the commissioners wished to see them but was not providing them publicly since a lot of what was in the results was covered by privacy laws.

**4. Presentation of Application by Applicant**

Anthony LaRose presented himself as the applicant. He said he had worked previously at Working Class Tattoos in the Raytown Plaza before they moved to Westport. He said he doesn't want to work in Westport and would rather stay out here in Raytown.

Ms. Dwight said the building needed to be repaired before any sign is put back up.

Mr. Bettis asked how long the applicant has been tattooing. Mr. LaRose said 23 years.

Ms. Stock said she was happy that another vacant building was being occupied.

Ms. Dwight asked what his hours of operation would be. Mr. LaRose said 12 noon to 11 pm.

Mr. Frazier asked if he had a state license and if he would have other chairs in the space. Mr. LaRose said he did have a license. Mr. Gilbert added that a copy of the license was included in the staff report attachments. Mr. LaRose said he wasn't sure about other chairs as he found it hard to be around others.

Ms. Dwight asked if the applicant would be ok with limiting his hours to 10pm. Mr. LaRose said he could use the extra open time but can be closed by 10 pm if required to do so.

Ms. Dwight asked about refurbishing the monument signage. Mr. Gilbert said a sign package would need to be submitted to the City and approved and staff would like to see the frame of the sign refurbished.

Mr. Robinson asked for a better floor plan to be submitted. Mr. Gilbert said he would work with the applicant to get a better one for the council meeting.

A discussion took place among several commissioners regarding handicapped access to the building. Mr. Gilbert said it wasn't originally designed and built under ADA guidelines and is a difficult building to retrofit as it is a split entry style. Mr. Gilbert said he would work with the property owner to see what if anything is reasonably feasible to do.

Mr. Bettis thanked the applicant for choosing Raytown.

**5. Public Comment**

None.

**6. Board Decision to Approve, Conditionally Approve or Deny the Application**

Motion – Ms. Stock to recommend approval based upon the conditions contained in the staff report and the applicant reduce hours to close by 10pm instead of 11pm.

Second – Mr. Frazier

Vote (8-0) – Motion passes unanimously.

**C. Case No.: PZ-2019-11**

Applicant: Mohammad Murayan

Reason: Conditional Use Permit for Vehicle Sales and Detailing at 10805 E. 350 Hwy. in a Highway Commercial, HC, zone

**Introduction of Application by Chairman Wilson**

Jennifer Baird, Raytown City Attorney, swore in all members of the public that wished to speak regarding this application. Chairman Wilson asked staff to present the staff report for the case. Mr. Wilson entered into the record a letter received from Jeff Page questioning the need for a used auto sales business at this location.

**1. Explanation of any exparte' communication from Commission members regarding the application**

No exparte communications reported.

**2. Enter Additional Relevant City Exhibits into the Record:**

- a. Staff report
- b. Conditional Use Permit Application
- c. Public Notice Information
- d. Applicant's site plan
- e. Site photos

**3. Introduction of Application by Staff**

Chris Gilbert, Planning & Zoning Coordinator, provided the staff report for the application, showing site location and surrounding zoning, a site plan, and various photos of the site. Mr. Gilbert addressed the history of the building, having been the East 350 Highway Car Wash until the license expired in August, 2019. At present no licensed business is operating on the site. Mr. Gilbert said the intensity of use on the property has been substantially increased from a mere car wash by adding auto sales and detailing to it and this would trigger compliance with the 350 corridor design standards contained in the Zoning Ordinance.

**4. Presentation of Application by Applicant**

Mohammad Murayan spoke as the applicant. He stated he will remodel the property including the building. His efforts will bring jobs and make an unattractive property look better. He will take care of the parking lot, handicapped access, replace the signage, install a nice sign on the building. He said that he would generate more taxes and revenue for the City with his proposed project.

Chairman Wilson Asked if the applicant had spoken to an architect about what it would take to meet the 350 Highway Corridor Standards. Mr. Murayan said he was going to remodel the existing footprint. Chairman Wilson asked if he was planning a display on the westbound lanes. Mr. Murayan said he wasn't sure.

Ms. Emmerson asked how many cars he would be selling. Mr. Murayan said 30 to 35. Ms. Emmerson asked where the cars would be coming from. Mr. Murayan said from auctions.

Ms. Thurman asked if the applicant was going to be doing vehicle repair on the site as well. Mr. Murayan said he was not except for some minor work to prep the cars through his detailing operation to be ready for sale. Mr. Gilbert added that repair work would require a new Conditional Use Permit application.

Mr. Bettis asked how many bays the building had. Mr. Murayan said eight. Mr. Bettis asked if there were any display limits. Mr. Gilbert said there were not but the site would have to provide for not just display but also for Fire Access, customer parking and handicapped access.

Mr. Frazier said meeting the 350 Highway overlay standards will require more investment than is required to meet normal standards. Chairman Wilson said he is concerned about the cost investment of the project. Ms. Stock asked about the process of meeting 350 Corridor design standards. Mr. Gilbert explained that the applicant would move forward with site plan submittal after getting approval for the Conditional use Permit to know he has the ability to actually operate his business before spending so much money on design.

Ms. Dwight said she was concerned about the existing used auto sales businesses in the vicinity and mentioned some past issues with code compliance by those businesses. She also said she was concerned about the condition of the car wash and utilizing it as an occupied building. Ms. Dwight also thought the density of car sales businesses was too high.

Chairman Wilson said he thought the market would speak as far as how many are able to stay in business. He said he is still concerned the 350 guidelines cost will be feasible. Mr. Robinson said he was concerned as well.

Mr. Frazier said the issue is to decide if this use is appropriate at this location. He said he supports it but thinks staff will enforce the standards making the project quite costly.

**5. Public Comment**

**Maheer Chamma, 10214 E. 96<sup>th</sup> Terrace, Kansas City**, said he was concerned about requiring the owner to absorb the large cost of building small sections of sidewalk that don't connect to anything.

**Hamid Amellal, 1001 SE Bridgehampton Way, Lee's Summit, Missouri**, said he was a friend of the applicant, the applicant is a trustworthy person, and as far as use is concerned, he believes its just like fast food restaurants where several can locate in a small area close to each other.

**6. Board Decision to Approve, Conditionally Approve or Deny the Application**

Mr. Bettis said he hoped the applicant would be successful.

Motion – Ms. Stock moved to recommend approval based upon the recommendations in the staff report.

Second – Mr. Bettis

Vote (7-1) – Ms. Dwight voted against the Motion to Approve.

**6. Other Business.**

Staff discussed the possibility of having the November Planning Commission date on a later Thursday in November, such as November 14, if the Commissioners felt that would be a good night since so many text amendments were being brought forward regarding moratorium uses, used vehicle sales, and sign code amendments, the extra time would be very helpful. The Commissioners felt this wouldn't be an issue or a hindrance to attendance and staff stated they would move forward it.

**7. Future Meeting Date –** No cases are scheduled for the December 5, 2019, Meeting, and it is hereby cancelled. Next Meeting is anticipated to be January 2, 2020, at 7:00 PM.

**8. Adjourn -** Mr. Frazier motioned, Mr. Bettis seconded, vote was unanimous by acclamation to adjourn at 9:30 PM



**PZ 2019-12**

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: November 21, 2019

Re: Zoning Ordinance Text Amendments Regarding Moratorium Uses

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**MORATORIUM USES TEXT AMENDMENTS SUMMARY**

In May, 2019, the Raytown Board of Aldermen adopted an Ordinance enacting a temporary moratorium on "Smoke Shops", "Package Liquor Sales", and "Convenience Stores" within the Neighborhood Commercial zone district. This moratorium is set to expire at the end of January, 2020, unless extended, or new regulations are adopted by the Board of Aldermen. 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.

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

- Identifies criteria for being considered a package liquor store based upon a 20% of gross receipts threshold. Under 20% is accessory (incidental) sales
- Requires compliance with Zoning Ordinance for all new liquor stores and any moving up from accessory sales to being considered a package liquor store
- Establishes rules regarding change of ownership

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

- Adds Vaping/e-cigarette Establishments
- Identifies criteria for being considered a Smoke and Tobacco or Vaping/E-cigarette establishment based upon a 20% of gross receipts threshold. Under 20% is accessory (incidental) sales
- Requires compliance with Zoning Ordinance for all new such establishments and any moving up from accessory sales to being considered a Smoke and Tobacco or Vaping/E-cigarette establishment
- Establishes rules regarding change of ownership

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



# Staff Report

Community Development  
Planning and Development Services

## 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 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 criteria for such uses.

## **Attachments:**

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



**Community Development Department**  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

November 5, 2019

### **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, November 21, 2019**. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, [www.raytown.mo.us](http://www.raytown.mo.us), on Friday, November 15, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described new regulations, tentatively scheduled for **7:00pm on Tuesday, December 17, 2019, and 7:00pm on Tuesday, January 7, 2020**.

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

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

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

**AN ORDINANCE DECLARING A NINE (9) MONTH MORATORIUM ON THE ACCEPTANCE, PROCESSING AND ISSUANCE OF BUSINESS LICENSE APPLICATIONS, BUILDING PERMITS, OCCUPANCY PERMITS, PACKAGE LIQUOR LICENSES AND DEVELOPMENT APPROVAL APPLICATIONS FOR LIQUOR STORES, SMOKE SHOPS, AND CONVENIENCE STORES AND SIMILAR USES WITHIN NEIGHBORHOOD COMMERCIAL ZONED DISTRICTS WITHIN THE CITY OF RAYTOWN**

**WHEREAS**, the Board of Aldermen of the City of Raytown, Missouri ("Board of Aldermen"), pursuant to its power under §89.020 RSMo, is considering future action as a means to promote the general welfare of its citizens by preserving and improving property values, promoting commerce, as well as maintaining the general character of the community currently existing within the territorial limits of the City of Raytown, Missouri ("City"); and

**WHEREAS**, the Mayor and Board of Aldermen have considered applications for the use of property within the City of Raytown as liquor stores, smoke shops, and convenience stores; and

**WHEREAS**, the Neighborhood Commercial District is intended for miscellaneous retail, wholesale businesses serving consumers and is a typical transition between residential and more intense commercial areas of the City; and

**WHEREAS**, the Board of Aldermen recognized that the City's zoning ordinance and other City ordinances do not grant to the City, to the fullest extent necessary, the authority to regulate these businesses and to make critical and difficult decisions on whether to approve or deny applications for such businesses and also recognized that the staff has not had sufficient time to prepare 1) necessary revisions to the zoning ordinance and 2) an ordinance related to the applicability of licensing provisions to these businesses and, therefore, has instructed staff to revise the zoning ordinance and draft an ordinance related to licensing provisions of these businesses; and

**WHEREAS**, the careful and prudent analysis of the City's stated intent and purpose for the Neighborhood Commercial District juxtaposed to the apparently contrary permitted use of liquor stores, smoke shops and convenience stores in Neighborhood Commercial Districts, including but not limited to an analysis of current building composition and stock, the City's possible and desired future development, the City's current zoning regulations, the City's economic development plan and goals, and other pertinent information, especially national, regional, and local economic trends, is required by the Board of Aldermen to reach an informed decision as to the propriety and direction of resolving the apparent conflict between the stated intent of the Neighborhood Commercial District and the aforementioned contrary use, and to successfully craft an appropriate ordinance to the textual conflict that properly promotes the general welfare of the City's citizens if such action is found to be necessarily subsequent to the Board of Aldermen's analysis; and

**WHEREAS**, the Board of Aldermen, therefore, must prevent the establishment of vested rights or non-conforming businesses that will undermine the effect of pending ordinance amendments before they are adopted, thereby protecting the zoning process and the business licensing regulatory process; and

**WHEREAS**, the Board of Aldermen, also recognizes that it has an equally important duty to fully consider applications for these type of business whenever such applications are consistent with the proposed amendments to the City's zoning ordinance and the pending ordinance related to licensing provisions of these types of businesses, and that is it necessary that the status quo be preserved in the City for the shortest amount of time that will allow the City to fully consider and adopt an amendment to the zoning ordinance and an ordinance related to licensing provisions of these businesses that most rationally achieves the Board of Aldermen's stated objectives; and

**WHEREAS**, it is in the best interest of the citizens to protect and promote property and building values within the City through a coordinated and harmoniously consistent zoning code because such values are inherently tied to the collective stability, peace of mind, and future economic opportunities of the citizens, and therefore the general welfare; and

**WHEREAS**, a nine (9) month moratorium on: (1) the acceptance of development approval applications, and (2) the issuance of building permits, occupancy permits, business licenses, and liquor licenses for liquor stores, smoke shops or convenience stores located in Neighborhood Commercial Districts within the City is necessary to give the Board of Aldermen time to analyze the relevant information to determine the propriety and effects of future action in order to prevent such applicants from obtaining vested rights to operate these types of business that will not conform with the requirements of the pending zoning ordinance amendments and licensing ordinance provisions and that will provide the City with the ability to address these issues as a part of the development approval process, and to develop and pass any needed legislative mechanism related thereto, with the caveat that should the Board of Aldermen determine additional time is needed to complete said analysis or take any necessary action, said moratorium may be further extended.

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

**SECTION 1.** That from and after the passage and approval of this Ordinance (the "Approval Date"), and for a period of 9 months, pertaining to any and all land zoned Neighborhood Commercial within the City of Raytown, Missouri, the City, its officers, officials, agents, and assigns, shall:

- A) Not accept any development approval applications for the intended use of a liquor store, smoke shop or convenience store; and
- B) Not accept any applications for or issue any building permits, occupancy permits, business licenses, or package liquor licenses pertaining to new construction of a liquor store, smoke shop or convenience store; and
- C) Not allow new construction of, continued new construction of, or other new development of a liquor store, smoke shop, convenience store or any similar developments for which a required permit for new construction has not been previously granted to begin or to be continued, unless the structure, construction, or other development had been previously approved by the City, and all other applicable approvals required to be received before a permit for a structure, construction, or other development have been granted, unless an application has already been received by the City initiating the formal process of securing the approvals necessary to commence such activity at a specific location.

**SECTION 2.** That the Board of Aldermen hereby directs that no new business license application, new package liquor license application, new occupancy permit application, building permit, or development approval application for the types of businesses defined in Section 1 of this Ordinance, filed after the Approval Date, shall be processed until the pending amendments to the City's zoning ordinance and ordinances related to licensing provisions for such businesses have been adopted by the Board of Aldermen and are in effect, except for such businesses that obtained a valid business license, occupancy permit, building permit, or development approval prior to the Approval Date, provided that, in no event shall this direction extend beyond January 31, 2020, unless the Board of Aldermen extends the date by majority vote at a duly noticed meeting.

**SECTION 3.** That the Board of Aldermen hereby directs that no new package liquor license application or transfer of package liquor license location application for the types of businesses defined in Section 1 of this ordinance, filed after the Approval Date, shall be processed until the pending amendments to the City's zoning ordinance and an ordinance related to licensing provisions for such businesses have been adopted by the Board of Aldermen and are in effect, except for such businesses that obtained a valid business license, liquor license, occupancy permit, building permit, or development approval prior to the Approval Date, provided that, in no event shall this direction extend beyond January 31, 2020, unless the Board of Aldermen extends the date by majority vote at a duly noticed meeting.

**SECTION 4.** That the Board of Aldermen hereby directs that the renewal of a business license application and package liquor license application for the types of businesses defined in Section 1 of this ordinance, filed after the Approval Date, shall be processed during the pending amendments to the City's zoning ordinance and an ordinance related to licensing provisions for such businesses that have been adopted by the Board of Aldermen.

**SECTION 5.** That the Board of Aldermen hereby directs that renewal of package liquor license applications for the types of businesses defined in Section 1 of this ordinance that shall also maintain a valid Raytown business license and are issued a renewal package liquor license from the State of Missouri during the pending amendment, filed after the Approval Date, shall be processed during the pending amendment to the City's zoning ordinance and an ordinance related to licensing provisions for such businesses that have been adopted by the Board of Aldermen.

**SECTION 6.** That the Board of Aldermen hereby directs any new package liquor license applications filed due to change of ownership for an existing business staying at the same business location within Neighborhood Commercial for the types of businesses defined in Section 1 of this Ordinance, filed after the Approval Date, shall be processed during the pending amendments to the City's zoning ordinance and an ordinance related to licensing provisions for such businesses that have been adopted by the Board of Aldermen.

**SECTION 7.** It shall be unlawful for anyone to begin new construction or continue new construction pertaining to the types of businesses defined in Section 1 of this ordinance during the pending amendment to the City's zoning ordinance and an ordinance related to the licensing provisions for such businesses that have been adopted by the Board of Aldermen.

**SECTION 8.** Any person who fails to comply with the provisions of this Ordinance, and who has been adjudged in violation of this ordinance by a court of competent jurisdiction shall be fined not less than two hundred dollars (\$200). Each day such person is found to have been in violation of this ordinance shall be deemed a separate offense. Nothing in this Section shall be deemed to prohibit the City from seeking any or all alternative relief provided in law or equity, including specifically the City's ability to seek an injunction to preclude a violation hereof.

**SECTION 9.** That, if, upon submission of an application and rejection of that application, an applicant believes that the City's determination not to accept or to process a business license application, building permit, liquor license application, or development approval application for such business is unreasonable, the applicant may file a written appeal of the determination with the City Clerk within five (5) days of the determination. If an appeal is timely and properly filed, the City Clerk shall schedule a hearing before the Board of Aldermen at its next regularly scheduled meeting at which the applicant shall bear the burden of establishing by clear and convincing evidence that the acceptance or processing of the subject application will not undermine the spirit and intent of the pending ordinances. If the Board of Aldermen determines that such action will not undermine the spirit and intent, it shall direct that the application be accepted for processing and/or processed as the case may be.

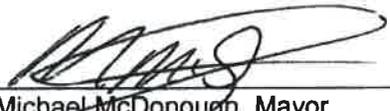
**SECTION 10.** That upon the filing of an appeal, the City shall establish guidelines for the Board of Aldermen to utilize in determining whether the application, with respect to which an appeal has properly been filed, if approved, will undermine the spirit and intent of the pending ordinances.

**SECTION 11.** 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.

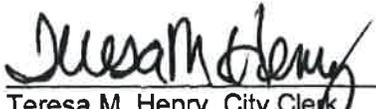
**SECTION 12.** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**SECTION 13.** That this Ordinance is not intended as, and should not be interpreted as, an amendment to the City's zoning ordinance, but is merely direction to staff with respect to the acceptance of and processing of business license applications, building permits, liquor license applications, and development applications for such businesses in the City.

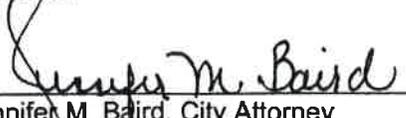
**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED** and **ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 21<sup>st</sup> day of May, 2019.

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

ATTEST:

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

Approved as to Form:

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

## 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 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 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 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 or bar or retail store where sales from such department comprise less than ~~70~~ 20 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 include tobacco or tobacco-related products but may include 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.**

(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 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 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 the sales of tobacco, tobacco products, or vaping/e-cigarette products that 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 from nearest property line to nearest property line.

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

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

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

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

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

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

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

- a. At least 500 square feet of contiguous, compact outside recreation area must be provided for every five residents.
- b. The recreation area must be fenced with a fence at least 60 inches in height.
- c. Parking. Parking shall be met by off-street parking areas not located in a required front yard, as determined by the requirements of the zoning district.
- d. No alterations or additions shall be made to a dwelling or accessory structure which will alter the residential appearance of such dwelling.

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

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

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

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

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

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

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

1. The number of residents.

2. The number of employees.

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

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

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

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

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

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

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

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

(13) a. In the industrial district, the entire operation shall be conducted within a fire-rated building or buildings, completely enclosed by walls and roof except that loading docks, service areas and

outdoor storage areas may be located outside of a building or buildings, in compliance with the terms of article III, division 7 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

f. No adult entertainment establishment, adult book store, adult motion picture theater or adult mini-motion picture theater shall be conducted in any manner that permits the observation of any material depicting, describing or relating to a specified sexual activities or a specified

anatomical areas, as defined by these regulations, by display decoration, sign, show window or other opening from any exterior source.

(16) Reserved.

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

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

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

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

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

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

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

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

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

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

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

f. All state licensing and operation requirements are met.

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

maintained so as to comply with all state, county and municipal sanitary and health regulations regarding same.

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

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

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

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

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

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

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



USES	ZONING DISTRICTS															Conditions	
	Residential Districts					Nonresidential Districts					Overlay Districts						
	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE		
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					P	
Fortune Tellers, palm readers, psychics, tarot card readers and similar uses																	
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)















**PZ 2019-13**

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: November 21, 2019

Re: Zoning Ordinance Text Amendments Regarding Sign Regulations, Chapter 50, Article VIII

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**SIGN REGULATIONS TEXT AMENDMENTS SUMMARY**

Enclosed with this Report is a complete rewriting of the Sign Regulations, contained in Chapter 50, Article VIII, of the Raytown Municipal Code. The majority of the proposed changes were made by attorneys with the City's law firm to bring the regulations into conformance with recent Federal Court decisions, most particularly the 2015 decision, *Reed vs. Town of Gilbert*, a landmark opinion by the United States Supreme Court. A copy of an email from Jennifer Baird, the City Attorney, explaining the significance of this case is attached to this report. Justice Thomas, writing for the majority, essentially made any sign regulations that are based upon the content of the sign subject to "strict constitutional scrutiny". For example, if you have to look at a sign to tell if it is a directional sign or a business sign before being able to access the correct sign dimensions and placement criteria in the ordinance, it is likely a content-based determination and thus subject to strict scrutiny. As a result our attorneys spent a lot of time reworking different parts of the existing regulations to minimize the impact these court decisions could have on administering our sign code.

The second set of changes to the sign regulations pertain to monument signage, pole signage, and electronic message board criteria. The proposed language for pole signs is in response to interest from some aldermen to bring back the option for pole signage along 350 Highway only, as the current limited height of 8 feet makes viewing business signage at highway speeds difficult. Such pole signage would be required to have architecturally designed support structures, not just poles. The proposed signage for monument signage increases the maximum height of monument base signs in stages to allow for multi-tenant monument displays in both the Neighborhood Commercial and Highway Commercial zones. In addition neighborhood entry monument sign criteria have been added to permit neighborhoods to create an identity for themselves. The final category of changes pertains to criteria for changeable copy electronic signs, whereby the School District's existing, and the City's planned new, such signs will also be in compliance with the sign code.

**Attachments:**

- City Attorney Review of Reed Case
- Notice of Public Hearing
- Proposed Sign Ordinance Changes

## Chris Gilbert

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**From:** Jennifer Baird [REDACTED]  
**Sent:** Wednesday, November 6, 2019 1:06 PM  
**To:** Chris Gilbert  
**Subject:** Sign Code Changes  
**Attachments:** Sign Code - draft Redline (JMB edits) 11-6-19.docx

Chris,

Attached, please find our proposed changes to the City's Sign Code. As we discussed, in 2015, the United States Supreme Court decided a landmark opinion in *Reed v. Town of Gilbert, AZ*, which changed the way cities can and should regulate signs. Many of the proposed changes are in response to the *Reed* case. There have been subsequent sign cases decided in various districts in which some of the questions that the Court did not answer in the *Reed* case were ultimately addressed. In summary, there is no one model sign code that all cities can adopt and survive a legal challenge because each city is unique. Many of the changes we made to the City's sign code are meant to put the City in the best light in the event the sign code is challenged.

In the *Reed* case, the Town of Gilbert's Code generally required permitting for outdoor signage, but created exceptions for twenty-three categories of signs. Temporary directional signs were required to be significantly smaller than the maximum allowed political or ideological signs and were only allowed to be displayed twelve hours before a qualifying event and one hour after. Political signs, in contrast, were allowed sixty days before a primary election and up to fifteen days following the general election. Members of a church in Gilbert complained about this differential treatment. The church did not have a permanent location and relied on temporary directional signs to inform members and guests of the gathering location for that week. The church wanted to post their signs for more than 12 hours before their event on Sundays.

The case ultimately made its way to the United States Supreme Court. A majority of the Court in the *Reed* case found this differential treatment to be unconstitutional because it made distinctions that were facially based on content (the restrictions placed on sign categories depended entirely upon whether the message they conveyed was political, ideological, or intended to provide direction to an event). Because the restrictions in the Town of Gilbert's Code were found to be content-based, the Court required the measure to be evaluated under a strict scrutiny standard. Strict scrutiny is almost always fatal to a government regulation. Under strict scrutiny, the Court asks whether the measure is the least intrusive means possible to achieve the government's compelling interest. In *Reed*, the Court did not address whether the Town of Gilbert's interest in preserving aesthetic appeal and traffic safety constituted compelling interests, but found that the restrictions were not narrowly tailored, or the least restrictive means possible to

achieve these interests. The majority left open the possibility, however, that a “sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny.”



**LAUBER MUNICIPAL LAW, LLC**

*Working hard so you don't have to.*

**Jennifer M. Baird**  
Lauber Municipal Law, LLC  
250 NE Tudor Road  
Lee's Summit, Missouri 64086



~~This communication is from a law firm and may contain confidential and/or privileged information.~~ If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

*Permission given to provide to Planning Commissioners*



Community Development Department  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

November 5, 2019

### **Notice of Public Hearing**

The City of Raytown is in the process of amending the entirety of Chapter 50, Article VIII, of the Raytown Municipal Code, entitled "Sign Regulations", to re-introduce pole signs on a limited basis along the 350 Highway Corridor, amend monument signage requirements to add more design flexibility, correct other identified deficiencies in the sign regulations, and to bring all existing and proposed new sign regulations into conformity with recent federal court decisions.

A public hearing to consider these proposed new regulations will be held by the Raytown Planning & Zoning Commission at **7:00pm on Thursday, November 21, 2019**. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, [www.raytown.mo.us](http://www.raytown.mo.us), on Friday, November 15, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described new regulations, tentatively scheduled for **7:00pm on Tuesday, December 17, 2019, and 7:00pm on Tuesday, January 7, 2020**.

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

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

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

## Sign Code Draft Zoning Ordinance Amendments

### ARTICLE VIII. - SIGN REGULATIONS

#### Sec. 50-488. - Sec. 50-488.— Purpose.Introduction

##### (a) Purpose

(1) General intent. The purpose of this section is to protect, preserve, and promote the beauty, safety and general welfare of the city by establishing certain minimum standards and procedures for the erection of signs in various zoning districts.

##### (2) Findings and intent; interpretation.

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the City Council or Board of Adjustment.

A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

### (3) Standards Applicable to All Signs.

- a) **Erection at street intersection/location prohibited.** No sign or other advertising structure regulated by this section shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of its position, shape, and color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- b) **Advertising adult materials.** No sign shall indicate the presence of adult videos or materials in an establishment unless such use is permitted by article III, division 12 of this chapter.

~~(1)(4)~~ Functional sign types. ~~The following types of signs shall be considered to be functional sign types:~~ Definitions

- a) Bulletin board sign. A sign that indicates the name of an institution or organization on whose premises it is located and that contains the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such signs may also present a greeting or other similar message.
- a) Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- b) Flashing Sign. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must

be considered a flashing sign.

d) Freestanding Sign. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

e) Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

~~a) Business sign. A sign that directs attention to a business or profession conducted, to a commodity or service sold, offered or manufactured or an entertainment offered, on the premises where the sign is located or to which it is affixed.~~

f) Identification sign. A sign giving the name and/or address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

g) Integral Sign. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

h) Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

i) Monument sign. Any sign placed upon or supported by the ground independently of any building or structure on the property and whose supports are not visible. Signs on accessory structures shall be considered monument signs. This sign type includes Neighborhood Entry Monument signs.

f)j) Nameplate sign. A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located and, where applicable, a professional status.

g)k) Off Premises Sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located or to which it is affixed.

h)l) Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced

or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

m) Pole sign. A sign that is mounted on a freestanding pole(s), which are visible, either freely visible if legal non-conforming, or with architecturally designed cladding if a new or remodeled sign.

n) Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

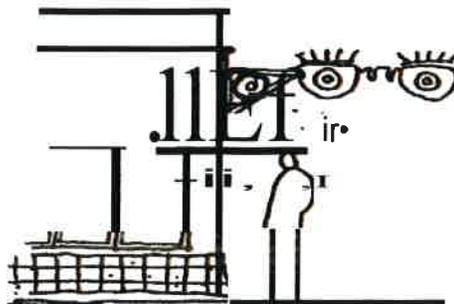
o) Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, are not considered a sign. Each display surface of a sign or sign face is considered to be a sign.

p) Sign area:

1. 1—the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or
2. 2—where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

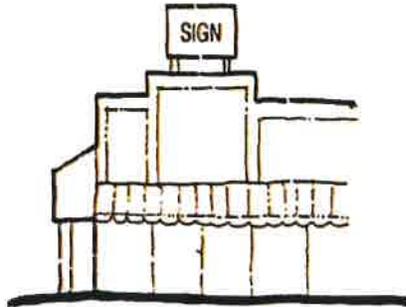
q) Sign face: The entire display surface area of a sign upon, against or through which copy is placed.

r) Projecting Sign. A sign, other than a wall sign, which projects no more than 12



inches from and is supported by a wall of a building or structure.

s) Roof Sign. A sign located on or above the roof of any building, not including false



mansard roof, canopy, or other fascia.

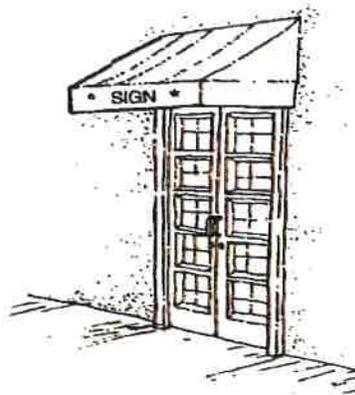
t) Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure). All banners are considered to be temporary signs.

u) Wall sign. A sign fastened to or painted on a wall of a building or structure, which does not project more than 12 inches from such building, and is attached to the building in such a manner that the wall becomes merely the supporting structure or forms the background surface.



(2)(5) Structural sign types. The following types of signs shall be considered to be structural sign types:

- a) Awning, canopy and marquee sign. A sign that is mounted or painted on or attached to an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project farther below than seven feet from the ground level or beyond the physical dimensions of the awning, canopy or marquee.

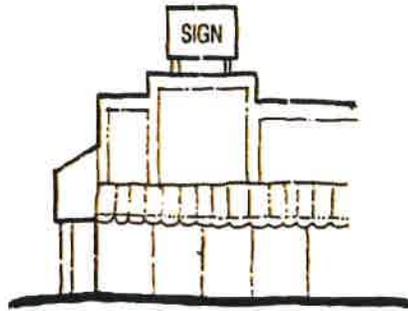


—3—

- (b) Ground sign. See definition of "monument sign."

~~— Monument sign.~~

- ~~(c) Pole sign. A sign that is mounted on a freestanding pole(s), which are visible, either freely visible if legal non-conforming, or with architecturally designed cladding if a new or remodeled sign.~~
- ~~(d) Projecting sign. A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.~~
- ~~(e) Roof sign. A sign that is erected, constructed and maintained above the roof of a building, with the principal support on the roof of the building. A roof sign also includes signs painted on the roof of a building.~~



(f)(c)

a) ~~Wall sign. A sign fastened to or painted on a wall of a building or structure, which does not project more than 12 inches from such building, and is attached to the building in such a manner that the wall becomes merely the supporting structure or forms the background surface.~~



(Comp. Ord. of 4-20-2010, § 25-1)

~~Sec. 50-488.~~ Sec. 50-489 - New or rebuilt signs; permits.

- (a) Permit required. Unless otherwise provided in these regulations, no new, permanent or temporary sign shall hereafter be hung, erected, attached or supported on a building or structural support, and no existing sign shall be altered, rebuilt, extended, replaced or relocated until a permit has been issued by the director of development and public affairs or the director's designee. All signs legally existing on the effective date of the ordinance from which this chapter is derived may remain in use including those in the status of legal non-conforming sign.
- (b) Application for permit. Applicants for sign permits shall submit an application form (furnished by the director of development and public affairs), appropriately filled out. Said application shall include, or have attached, the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) The location of the building, structure or lot where the sign is to be located .
- (3) Position of the sign in relation to nearby buildings and structures.
- (4) Two sets of prints showing the plans and specifications of the proposed sign and sign structure along with the method of construction and attachment to the building or in the ground.
- (5) The name of the person, firm, corporation or association erecting the sign.
- (6) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
- (7) Additional information as the ~~director of development and public affairs~~ Director of Community Development shall require to show full compliance with this and all other applicable laws and regulations of the city.
- (8) A sign permit fee. Said fees shall be set by the board of aldermen.

(c) Issuance of sign permit. If in the opinion of the ~~director of development and public affairs~~ Director of Community Development, the application meets the requirements of this section, a sign permit shall be issued. If the work authorized by such permit is not started within 120 days from the date of its issuance, such permit shall become null and void. When work is started but delayed, the permit shall remain valid for an additional 120 days.

(d) Permit revocation. If the ~~director of development and public affairs~~ Director of Community Development shall find that any sign subject to these regulations is unsafe or insecure, is a menace to the public, has been constructed or erected or is being maintained in violation of the provisions of these regulations, written notice shall be given to the person or entity in possession and control of the premises on which the sign is located, specifying the problem. If such person fails to remove or alter the sign so as to comply with the provisions of these regulations within 30 days of such notice, the ~~director of development and public affairs~~ Director of Community Development may cause such sign to be removed or altered to comply with these regulations at the expense of the permittee or owner of the property on which said sign is located. If, in the opinion of the ~~director of development and public affairs~~ Director of Community Development, a sign is an immediate hazard to the public health, safety, or welfare, the ~~Director of Community Development and public affairs director~~ Director of Community Development may cause the sign to be removed immediately and without notice.

~~Sec. 50-490. - Sec. 50-490. -~~ **General standards.**

- (a) ~~Height of sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of this section as independent from the maximum height for zoning districts.~~

~~Height of sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of this section as independent from the maximum height for zoning districts.~~

- (b) Design, construction and maintenance standards. All signs shall be designed, constructed, and maintained in accordance with the following standards:
- (1) All signs shall comply with the applicable provisions of the building code, electrical code, and fire code, as adopted by the city.
  - (2) Except for temporary signs, and temporary event signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
  - (3) All signs shall be maintained in good structural condition , in compliance with all building and electrical codes, and in conformance with this chapter at all times.
- (c) Aesthetic standards. All signs shall be reviewed by the ~~Director of eevelopment~~ **Director of Community Development** or designated representative ~~aRe public affairs~~ for compliance with the provisions contained herein and in regards to the signs compatibility with the property on which the sign is locat ed and surrounding property. Such review shall occur prior to installation of any sign requiring a sign permit under these regulations. Compatibility of the proposed sign shall be determined based upon the following:
- (1) Use of similar or complimentary materials, shapes and/or colors as existing or proposed on the principle buildings on the property.
  - (2) The sign shall be in scale with the structure and/or the property on which it is located.
- (d) Monument signs. Monument signs shall conform to the following standards:
- (1) All support structures, poles, and wiring related to a monument sign shall be enclosed within the base or sign face of said monument sign so that they are not visible.
  - (2) The color of the base and the materials enclosing the base of a monument sign shall be consistent with the exterior color and materials of the buildings on the property **or the homes in the neighborhood in the case of a neighborhood entry monument sign** unless otherwise

required by design standards specified elsewhere within this chapter.

(3) The maximum number of monument signs allowed on a property is specified in the applicable zoning district regulations in this article.

(4) Monument signs having a base greater than 18 inches in height shall have a base that is constructed of the same materials and incorporates the same colors as the principle structure(s) on the property. Monument sign bases that are 18 inches or less in height may have a base constructed of the same material as the exterior of the sign cabinet.

(5) Landscaping shall be installed around the base of the monument sign **that is appropriate for the size and scale of the sign.**

(6) The maximum height of a monument sign is as follows unless a lower height is required elsewhere within these regulations:

a) Residential District: five feet.

b) Neighborhood Commercial District: ~~Eight five~~ feet. **For developments with three to five businesses, a community monument sign shall be a maximum of 12 feet. For large developments with six or more businesses a community monument sign shall be a maximum of 16 feet.**

c) Highway Commercial District: ~~Twelve eight~~ feet. **For large developments with six or more businesses, a community monument sign shall be a maximum of 16 feet.**

d) Industrial District: ~~Twelve e+ght~~ feet.

(7) The minimum base width of a monument sign shall not be less than two-thirds the cumulative height of the sign face and base. **Community monument sign bases shall be as approved by the Director of Community Development or designated representative in compliance with the specific standards for such signs below.**

(8) The base of the monument sign shall not have a depth greater than the depth of the sign face. Community monument sign bases shall be as approved by the Director of Community Development or designated representative in compliance with the specific standards for such signs below.

**(9) Monument signs designating single family residential neighborhoods shall be approved as part of the overall subdivision development plan. For existing neighborhoods, the entrance monument shall be reviewed and approved by the Director of Community Development or designated representative, and shall be consistent with the overall character of the**

neighborhood and constructed of quality materials that are consistent with materials used on home facade-s or decorative walls within the neighborhood.

(10) Community monument signs for large multi-tenant developments shall be architecturally designed to be unique for each development. Structural and aesthetic plans for each such community monument sign shall be submitted for approval by the Director of Community Development or designated representative.

(g) Illuminated signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Illumination shall be restricted to the face of the signboard.

(h) Flashing or moving signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs that create the illusion of movement shall be permitted. A sign whereon the current time and/or temperature are indicated by intermittent lighting shall not be deemed to be a flash-sign if the lighting changes are limited to the numerals indicating the time and/or temperature.

(i) Electric changeable copy shall be allowed on signs subject to the following requirements:

(1) Electric changeable message copy may change no more than one time per minute and shall not include any flashing, flowing, alternating or blinking lights;

(2) Electric changeable message copy shall be integral to and a part of an approved structural type of sign for the applicable district in which the sign is located.

(3) Electric changeable message copy shall be either multi-color or single color on dark background.

(4) Electric changeable message copy shall be proportional in size to the overall sign but shall not exceed 40% of the overall sign area.

(j) Metal signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of ten feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of ten feet to ground.

(k) Location. No sign shall be permitted to project over the public right-of-way, except with the approval of the board of aldermen as a conditional use or as a permitted use in the Town Square Overlay District (TS) when the lowest part of such sign is at least eight feet above the sidewalk area.

(l) Accessway or window. No sign shall block any accessway or window required by any applicable building, housing, fire or other codes or regulations.

(m) Signs on trees or utility poles. No sign shall be attached to a tree or utility pole whether on public or private property, except signs attached directly to utility poles by licensed public utilities for safety or identification purposes.

(n) Traffic safety.

(1) No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

(2) No sign shall be located in any vision triangle as defined in these regulations, except official traffic signs or other signs mounted eight feet or more above the ground whose supports (not exceeding two) do not exceed 12 inches at the widest dimension and thus do not constitute an obstruction.

(o) Abandoned signs.

(1) Any sign structure excluding temporary signs, in a business, commercial, or industrial district which advertises an activity which no longer takes place at that location shall be considered an off-premises sign unless the face of such sign is covered or removed. A sign structure which remains in such a state whereby the face has been covered or removed for a period of more than 60 days shall be considered to have been abandoned and shall be subject to removal by the property owner within ten days of a notice to do so by the Director of Community Development or his or her designee. ~~used for the purpose of advertising a business that has not been conducted for a period exceeding 60 days shall be taken down and removed by the permittee, owner, agent or person having the beneficial use of the sign, or of the building, structure or land on which such sign is located within ten business days after receiving written notification thereof if such sign is not in conformity with the provisions of this article.~~ Additionally, as part of the removal of said sign the facade of the building, structure, or premises shall be restored to an appearance that is consistent with the remaining facade of the building, structure or premises and any support structures of the sign shall be removed.

(2) The face of any on-site sign used for a business that has ceased operating for a period of 30 days shall be removed within ten business days upon notification.

(3) Upon failure to comply with any such notice provided in this section within the time specified, the city is hereby authorized to cause removal of such sign and/or sign face, including any related support structures; restore the building, structure or premises to an appearance that is consistent with the remaining facade of the building, structure or premises and any expense incidental thereto shall be paid by the permittee or owner of the land, building or structure to which such sign is attached.

(p) Temporary signs.

(1) Temporary signs allowed at any time.

- (a) A property owner may place one sign with a sign face no larger than two (2) square feet on a single parcel at any time. Such sign may remain for a period not to exceed 120 days, after which it must be removed for at least 30 days and then may be replaced.
- (b) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

(2) Additional Temporary Signs

(a) Election seasons.

- (i) An election season is defined as the a period beginning 90 days prior to an election and ending 10 days after an election.
- (ii) During and election season a property owner in a residential district may place up to one additional sign no larger than two (2) square feet for each race or issue on the ballot, not to exceed a total of one sign per twenty-five feet of road frontage for the property.
- (iii) During an election season a property in a business, commercial, or industrial district may place additional signs as provided in the ~~residential~~ district in Subsection 2) a ii. above, or one additional sign no larger than four feet by six feet.

(b) Winter holidays.

- (i) The winter holiday season is defined as the period between December 1<sup>st</sup> of each year and January 30<sup>th</sup> of the following year.
- (ii) During the Winter Holiday season, a property in any district may display one additional sign no larger than four feet by six feet.

(c) Building construction or remodeling. Initiation upon issuance of a building permit and termination upon issuance of the certificate of occupancy or approval for connection to electric power for the work authorized by the building permit.

(d) Real Estate Sales. In addition, one temporary sign may be located on a property when the owner is offering the the property for sale.

- (i) The sign is displayed only from the period beginning when the property is offered for sale and ending not later than ten business days after a contract for sale has been signed. Signs for temporary events. Signs for a temporary event as defined in this article must comply with the following:

(ii) In addition, during the period that the property is being offered for sale, the property may display a sign indicating that the property is available to be viewed by the general public (open house). Such signs may be displayed beginning the day before the open house until two hours after the ending of the open house.

~~A temporary sign for any one business may be placed on a lot subject to the following requirements:~~

~~Issuance of sign permit subject to the requirements specified in section 50-489.~~

~~Length of display.~~

~~Each Temporary Sign Permit Shall Be Valid For A Maximum Of 30 Days;~~

~~Temporary sign permits shall not exceed a maximum of 60 days per calendar year for any one business; and~~

~~No more than four temporary sign permits may be issued within one calendar year for any one business.~~

~~Size of temporary signs.~~

~~Residential districts. Temporary signs on properties occupied or zoned for residences shall not exceed eight square feet in area.~~

~~Commercial and industrial. Temporary event signs on properties occupied or zoned for commercial or industrial uses shall not exceed 32 square feet in area.~~

~~(1)(3) Location of temporary signs.~~

~~(a) Temporary signs shall not be located in the public right-of-way.;~~

~~Temporary signs shall not be located in the public right-of-way;~~

(b) Temporary signs shall not be painted on, attached to, or affixed to any trees, rocks, or other similar organic or inorganic natural matter including light poles, utility poles or

similar apparatus;

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

(4) Prohibited temporary signs. The following type of signs and sign features are prohibited unless approved by the board of aldermen after review by the planning commission:

(a) Moving, flashing or animated signs;

(b) Pennant streamers;

(c) Accessory elements or features (such as computers, dolls, balloons or other inflatable devices, etc.) attached to the temporary sign.

~~(5) (5) Removal. Temporary signs must be removed at the end of the period for which they are allowed.~~

~~(6) (6) Maintenance. Temporary signs must be maintained in good condition, free of tears and damage. Torn, damaged, or worn temporary signs must be repaired, removed or replaced upon instruction to do so by the Director of Community Development. Signs which are replaced may remain for the duration of the period allowed.~~ (q) Signs for temporary events. Signs for a temporary event as defined in this article must comply with the following:

~~(7)~~

~~Duration. The sign may be placed upon initiation of the temporary event, and must be removed within ten working days of the termination of the event. Initiation and termination of particular events shall be interpreted as follows:~~

(7) Exceptions.

(a) These regulations shall not apply if the temporary event sign is placed on a legal sign structure such as a legal advertising (billboard) sign.

(b) These regulations shall not apply to temporary government signs.

~~Election. Initiation upon the last day of qualification of candidates or certification of a ballot question and termination upon the completion of the election.~~

~~Building construction or remodeling. Initiation upon issuance of a building permit and termination upon issuance of the certificate of occupancy or approval for connection to electric power for the work authorized by the building permit.~~

~~Fund-raising or non-commercial event, special seasonal event, public attractions. Initiation 45~~

~~days prior to first day of the event and termination on the last day of the event.~~

~~Size of temporary event signs.~~

~~Residential districts. Temporary event signs on properties occupied or zoned for residences shall not exceed eight square feet in area.~~

~~Commercial and industrial. Temporary event signs on properties occupied or zoned for commercial or industrial uses shall not exceed 32 square feet in area.~~

~~Additional requirements.~~

~~Temporary event signs shall be located on the ground or wall of a building only.~~

~~Temporary event signs shall not be illuminated.~~

~~Temporary event signs shall not be located on public property.~~

~~Temporary event signs shall not exceed a maximum height of ten feet in multifamily, commercial and industrial districts and five feet in all other districts.~~

~~Temporary event signs not meeting the requirements of this section require a conditional use permit.~~

~~Temporary event signs must be authorized by a building permit if required under the building code adopted by the city.~~

~~These regulations shall not apply if the temporary event sign is placed on a legal sign structure such as a legal advertising (billboard) sign.~~

(Comp. Ord. of 4-20-2010, § 25-3)

~~Sec. 50-489 -~~ Sec. 50-491 - ~~Sec. 50-491~~ - Exemptions.

(a) The following signs shall be exempt from the requirements of this article as long as no traffic safety issues are involved:

(1) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

(2) Replacing or altering changeable copy ~~on signs of theater marquees, bulletin boards, electric changeable message boards, and similar signs.~~

(3) Flags or emblems of a government or of a civic, philanthropic, educational or religious organization displayed on private property.

(4) Garage sales signs, not exceeding four square feet in area, ~~and tablets and memorial signs that are all displayed on private property~~ provided they are removed 48 hours after the conclusion of the sale.

(5) Small signs, not exceeding five square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and the like.

(6) Address numerals and other signs required to be maintained by other laws, rules or regulations, provided, however, that the content and size of the sign do not exceed such requirements.

~~(6)~~ (7) Interior signs

~~(7)~~ (8) Scoreboards in athletic fields or stadiums intended to be primarily visible only to participants in the event.

(b) The following signs are exempt from the sign permit requirements of this section, but shall

comply with all of the other regulations imposed by this section:

- (1) Nameplate signs not exceeding two square feet in gross surface area accessory to a residential dwelling.
- (2) Identification signs not exceeding 40 square feet in gross surface area accessory to a multiple dwelling.
- (3) One bulletin board sign not exceeding 40 square feet in gross surface area for each street frontage accessory to a church, school or public or non-profit institution. Any sign may be either a monument or wall sign and must maintain a minimum eight-foot setback from any property line.
- (4) Home occupation signs that are not illuminated and do not exceed two square feet in gross area.

(Comp. Ord. of 4-20-2010, § 25-4)

~~Sec. 50-490.~~ Sec. 50-492. - **District sign regulations table.**

The district sign regulations table of this section provides a tabular summary of the type of functional signs and structural signs that are allowed within each zoning district.

- (a) Permitted. Functional sign and structural sign types identified with a "P" in a zoning district column of the district sign regulations table that follows are permitted in the applicable zoning district, subject to such standards as specified for each applicable zoning district and all other requirements specified in this chapter.
- (b) Conditionally permitted. Functional sign and structural sign types that are identified with a "C" in a zoning district column of the district sign regulations table that follows are allowed upon approval of conditional use permit as specified in article IX of this chapter.
- (c) Not permitted. Functional sign and structural sign types that are identified with an "N" in a zoning district column of the district sign regulations table that follows are not allowed.

	Zoning Districts									
	R-1	R-2	R-3	<del>RE</del>	MH	NC	HC	M	N	
<b>Functional Sign Type</b>										
Advertising Sign (Billboard)	N	N	N	<del>N</del>	N	N	C	C	N	
Bulletin Board Sign	C	C	C	<del>C</del>	C	P	P	P	P	
Business Sign	N	N	N	<del>N</del>	N	P	P	P	P	
Identification Sign	P	P	P	<del>P</del>	P	P	P	P	P	
Memorial Sign	C	C	C	<del>C</del>	C	C	C	C	C	
Nameplate Sign	P	P	P	<del>P</del>	P	P	P	P	P	
Temporary Event Sign	P	P	P	<del>P</del>	P	P	P	P	P	
<b>Structural Sign Type</b>										
Awning, Canopy or Marquee Sign	N	N	N	<del>N</del>	N	P	P	P	P	
Temporary sign	P	P	P	<del>P</del>	P	P	P	P	P	
Monument Sign	<del>C</del> P	P	P	<del>P</del>	P	P	P	P	P	
Pole Sign	N	N	N	<del>N</del>	N	N	<del>N</del> P	N	N	
Projecting Sign	N	N	N	<del>N</del>	N	P	P	P	N	
Roof Sign	N	N	N	<del>N</del>	N	N	N	N	N	
Wall Sign	P	P	P	<del>P</del>	P	P	P	P	P	

(Comp. Ord. of 4-20-2010, § 25-5.01)

**Sec. 50-493. - Residential districts.** The following provisions shall apply to residential districts:

- (a) Number of signs permitted: one of each functional type per zoning lot.

(b) Maximum gross surface area:

(1) Bulletin board and identification signs: 16 square feet.

(2) Nameplate signs: two square feet.

~~a. Temporary event signs.~~

(3) **Neighborhood entry** monument signs: **32 Square** feet not including **base and** architectural features.

(c) Required setback: ten feet from any property line **or ten feet from the paved surface of any road or sidewalk, whichever is greater.**

(d) Illumination: no sign shall be illuminated except that bulletin board signs may be indirectly illuminated **with incandescent or fluorescent light**

~~(Comp. Ord. of 4-20-2010, § 25-5.02)~~

~~Sec. 50-491. - Sec. 50-494. - **Sec. 50-494. - Town Square Overlay District (TS).**~~

All signs in the Town Square Overlay District (TS) shall comply with the requirements specified in article VIII of this chapter:

(a) Number of signs permitted: Monument signs: See article VIII of this chapter.

(b) Other structural types permitted: See article VIII of this chapter.

(c) Maximum gross surface area: two square feet of sign area for each one foot of lineal building frontage along a street frontage provided no single sign shall exceed a gross surface area of 200 square feet unless otherwise specified in article VIII of this chapter.

~~(1) Temporary event signs: section 50-490(p).~~

(d) Required setback: See article VIII of this chapter.

(e) Illumination: See article VIII of this chapter. (Comp. Ord. of 4-20-2010, § 25-5.03)

~~Sec. 50-492. - Sec. 50-495. - **Neighborhood Commercial (NC) and Adult Entertainment Use (AE).**~~

The following provisions shall apply to Neighborhood Commercial (NC) and Adult Entertainment Use (AE) Districts:

(a) Number of signs permitted:

- (1) Monument signs: one per zoning lot.
- (2) Other structural types permitted: no limit on the number of wall, awning, canopy, marquee, projecting, ~~or temporary signs~~, subject to maximum gross surface area.
- (b) Maximum gross surface area: three square feet of sign area for each one foot of building lineage along a street frontage provided that no single sign shall exceed a gross surface area of 300 square feet.
- (c) Required setback: no minimum required.
- (d) Illumination: illuminated signs shall be permitted. (Comp. Ord. of 4-20-2010, § 25-5.04)

~~Sec. 50-493 - Sec. 50-496 - Sec. 50-496. - Highway Corridor Commercial (HC).~~

The following provisions shall apply to Highway Commercial Corridor (HC) Districts:

- (a) Number of signs permitted:

- (1) Monument signs: one per zoning lot. ~~For large developments of three (3) or more tenants with entranceways from two adjacent streets, a monument sign may be placed on each frontage. Such sign may not be placed if a pole sign exists on a particular frontage.~~
- (2) Pole signs: ~~One per zoning lot or development, regardless of size, if no monument sign exists on a particular frontage. No pole sign shall be located closer than 150 feet from any other pole sign. All pole sign permit applications shall include architectural drawings that provide full cladding for the entire pole supporting the sign to create a sign appearance that is consistent with building architecture in the vicinity.~~
- (3) Other structural types permitted: no limit on the number of wall, awning, canopy, marquee, projecting, or temporary signs, subject to maximum gross surface area.
- (b) Maximum gross surface area: three square feet of sign area for each one foot of building lineage along a street frontage provided that no single sign shall exceed a gross surface area of 300 square feet. ~~Community monument signs serving a large development containing five (5) or more tenants may submit an architecturally designed multi-tenant monument sign plan for approval by the Director of Community Development or designated representative that does not exceed 400 square feet of present or future tenant sign area.~~
- (c) Required setback: no minimum.
- (d) Illumination: illuminated signs shall be permitted. (Comp. Ord. of 4-20-2010, § 25-5.05)

~~Sec. 50-494 - Sec. 50-497 - Industrial (M).~~

The following provisions shall apply to Industrial (M) Districts:

(a) Number of signs permitted:

(1) Monument signs: one per zoning lot.

(2) Other structural types permitted: no limit on the number of wall, awning, canopy, marquee, projecting, or temporary signs, subject to maximum gross surface area.

(b) Maximum gross surface area: four square feet of sign area for each one foot of building lineage along a street frontage provided that no single sign shall exceed a gross surface area of 400 square feet.

(c) Required setback: no minimum required.

(d) Illumination: illuminated signs shall be permitted. (Comp. Ord. of 4-20-2010, §25-5.06)

~~Sec. 50-495~~ - Sec. 50-498 - **Nonconforming signs.**

Every sign in existence at the time the ordinance from which this chapter is derived becomes effective may continue in existence, subject to the following:

(a) It shall not be altered structurally or moved unless it is made to comply with the provisions of these regulations. However, the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or repasting of display matter shall not be deemed a structural alteration.

(b) The lawful use of a sign existing on the effective date of the ordinance from which this chapter is derived, although such sign does not conform to the provisions hereof, may continue, but if such nonconforming use is discontinued for a period of 60 days, any future use of such sign shall be in conformity with the provisions of these regulations.

(c) No sign that has been damaged by accident, fire, wind, explosion, or other act of God to the extent that 50 percent or more of the sign is destroyed shall be restored except in conformity with these regulations. Any sign that has been damaged to an extent less than 50 percent may be restored to the same condition and dimensions that existed as a nonconforming use prior to its damage.

(Com-p. Ord. of 4-20-2010, § 25-6)

**Secs. 50 -499- 50-516. - Reserved.**



**PZ 2019-14**

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: November 21, 2019

Re: Zoning Ordinance Text Amendments Regarding Vehicle and Equipment Sales

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**VEHICLE SALES TEXT AMENDMENTS SUMMARY**

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

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

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

**Attachments:**

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



**Community Development Department**  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133  
(816) 737-6014  
[www.raytown.mo.us](http://www.raytown.mo.us)

November 5, 2019

### **Notice of Public Hearing**

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

A public hearing to consider these proposed new regulations will be held by the Raytown Planning & Zoning Commission **at 7:00pm on Thursday, November 21, 2019**. A copy of the agenda and packet including a staff report with the proposed changes will be available for viewing on the City of Raytown's website, [www.raytown.mo.us](http://www.raytown.mo.us), on Friday, November 15, 2019.

The Raytown Board of Aldermen will also hold public hearings regarding the above-described new regulations, tentatively scheduled for **7:00pm on Tuesday, December 17, 2019, and 7:00pm on Tuesday, January 7, 2020**.

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

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

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

## Vehicle and Equipment Sales Draft Ordinance Amendments

### 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.

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

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

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

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

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

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

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





**ZONING DISTRICTS**

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

ZONING DISTRICTS																
USES	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
Dormitories and fraternity or sorority houses		C	C													
Drive-In Theater						P		P				P				(11)
Drive-through restaurants					P	P										
Dwelling, Large group living	C	C	P		P			P				P				(9)
Dwelling, Small group living	P	P	P					P			P	P				(2)
Equipment Sales						C	P					P				
Exhibit hall					C		C									
Financial institutions					P	P										
Food/Bakery Product Manufacturing							P		P			P				
Fortune Tellers, palm readers, psychics, tarot card readers and similar uses						C										
Foster homes	P	P	P									P				

**ZONING DISTRICTS**

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







**ZONING DISTRICTS**

USES	Residential Districts														Nonresidential Districts						Overlay Districts					Conditions										
	R-1					R-2			R-3		MH		NC		HC		M		N		TS		FP		HO		P			CD		HP		AE		
Schools, private or parochial and non-profit	C	C	C	C	C								C	C	C	C																				
Service stations													C	C																						
Single-household dwellings	P	P				P																	P				P									
Studio, Television or Film																	P						P													
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	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transit Facility																	P						P													
Two-household condominium dwellings																							P													
Two-household dwellings																							P										P	P		
Utility, Minor																	P																P	P		

