

**CITY OF RAYTOWN  
PLANNING & ZONING COMMISSION  
WORK SESSION MEETING**

**September 5, 2019  
6:30 pm**

**Raytown City Hall  
Conference Room OR  
Board of Aldermen Chambers (if not enough seating in conference room)  
10000 East 59<sup>th</sup> Street  
Raytown, Missouri 64133**

- 1. Welcome by Chairperson**
- 2. Call meeting to order and Roll Call**

Wilson:	Meyers:	Emerson:
Bettis:	Robinson:	Frazier:
Stock:	Dwight:	
- 3. Discussion of Methods to Regulate Uses Currently Under Moratorium, including Smoke Shops, Liquor Stores, and Convenience Stores.\***
- 4. Set Future Meeting Date - Thursday, October 3, at 7:00 PM.**
- 5. Adjourn**

**\*Public questions or comments on proposed zoning changes will be taken at a later meeting when a noticed Public Hearing is held.**



# Staff Report

Community Development  
Planning and Development Services

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: September 5, 2019

Re: Zoning Ordinance Text Amendments Regarding Current Moratorium-Covered Uses.

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## **DISCUSSION OF REGULATORY METHODS TO REDUCE PROLIFERATION OF CERTAIN TYPES OF USES PRESENTLY COVERED BY A MORATORIUM**

On May 21<sup>st</sup>, 2019, the Raytown Board of Aldermen approved a moratorium on certain types of uses, including smoke shops, liquor stores, and convenience stores due to their proliferation within the City in recent years in advance of considering and adopting new regulatory standards.

Staff has put together an informational packet on these and similar type uses considered by Raytown and other nearby metro-area Cities in recent years for special regulatory treatment. A copy of the moratorium and various code sections from Raytown and surrounding communities is attached to this report to facilitate discussion regarding possible regulatory options including imposition of Conditional Use Permit requirements, distance separations, zoning district use table changes, or a combination of these and other methods that may come up during discussion at the September 5, 2019 Planning Commission meeting. While these specific uses are covered by the moratorium, the Planning Commission may also want to look at additional uses not covered that are proliferating in Raytown for consideration for more detailed regulation.

Staff will take the recommendations of the Planning Commission from this work session to draft proposed code changes which will be returned at a later date for consideration at advertised public hearings before the Planning Commission and the Board of Aldermen. The Moratorium is set to expire on January 31, 2020.

**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.

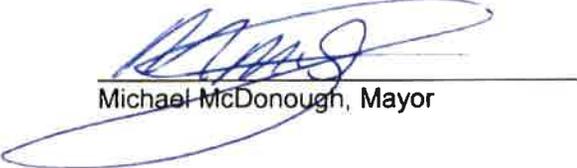
**SECTION 10.** That upon the filing of an appeal, the City shall establish guidelines for the Board of Aldermen to utilize in determining whether the application, with respect to which an appeal has properly been filed, if approved, will undermine the spirit and intent of the pending ordinances.

**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.

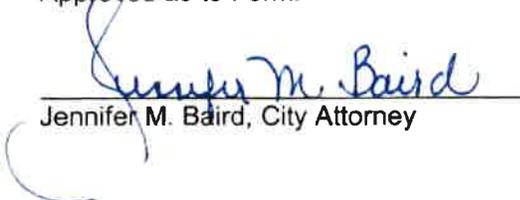
**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED** and **ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 21<sup>st</sup> day of May, 2019.

  
Michael McDonough, Mayor

ATTEST:

  
Teresa M. Henry, City Clerk

Approved as to Form:

  
Jennifer M. Baird, City Attorney

**AN ORDINANCE ADDING ARTICLE XVII TO CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, FOR THE PURPOSE OF DEFINING SMOKE AND TOBACCO STORES AND LIMITING THEIR OCCURRENCE IN THE CITY LIMITS**

**WHEREAS**, the City of Raytown wishes to add article XVII, titled "Smoke and Tobacco Establishments", to Chapter 10 of the Code of Ordinances of the City of Raytown; and

**WHEREAS**, the City of Raytown has enacted Chapter 10 of the Code of Ordinances regarding Businesses and Business Regulations, and desires to update certain sections of that code; and

**WHEREAS**, the purpose of the addition of Article XVII to Chapter 10 of the Code of Ordinances is to define Smoke and Tobacco Stores, as well as to regulate the number and location of Smoke and Tobacco Stores operating in the City of Raytown;

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

**SECTION 1 – APPROVAL OF AMENDMENTS.** That Article XVII of Chapter 10, to be titled "Smoke and Tobacco Establishments" of the City of Raytown, is hereby created as provided in Section 2.

**SECTION 2 – AMENDMENTS.**

1. That Article XVII, Section 10-573, titled "Definitions", of Chapter 10 of the Raytown City Code is hereby created, adding three definitions, as follows:

Smoke and Tobacco store- A retail store used primarily for the sale of tobacco products and accessories and where more than seventy (70%) 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% of the business's total volume of trade or sales.

Tobacco Paraphernalia- 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.

2. That Article XVII, Section 10-574, to be titled "Permit to operate a smoke and tobacco store", of Chapter 10 of the Raytown City Code is hereby created, to read as follows:

(a) *Required.* It shall be unlawful for any person to own or operate a smoke and tobacco store in the City limits of Raytown without having first obtained a business license issued by the City.

(b) *Application.* Any person desiring to operate a tobacco store shall make an application with the business license administrator for a permit to operate such business containing 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 for the business.

(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.
- (2) Any business license issued under the provisions of this article shall be conspicuously posted or displayed by the applicant during all business operations by such applicant.
- (3) No business license shall be issued under the provisions of this article to any person, firm or corporation until all tangible personal property taxes and real estate taxes owing by such applicant, if any, shall have been fully paid.
- (d) *Fee.* The fee for the business permit in this article shall be based upon the formula for gross annual receipts, as provided by the Schedule of license fees in Section 10-52 of the Raytown Municipal Code.

3. That Article XVII, Section 10-575, titled "Restrictions on sale and distribution of tobacco paraphernalia", of Chapter 10 of the Raytown City Code is hereby created, to read as follows:

- (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 eighteen (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.

4. That Article XVII, Section 10-576, titled "General Requirements", of Chapter 10 of the Raytown City Code is hereby created, to read as follows:

- (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.

5. That Article XVII, Section 10-577, titled "Applicability", of Chapter 10 of the Raytown City Code is hereby created, to read as follows:

The standards of this article apply to tobacco and convenience stores, as defined by this ordinance.

6. That Article XVII, Section 10-578, titled "Penalty", of Chapter 10 of the Raytown City Code is hereby created, to read as follows:

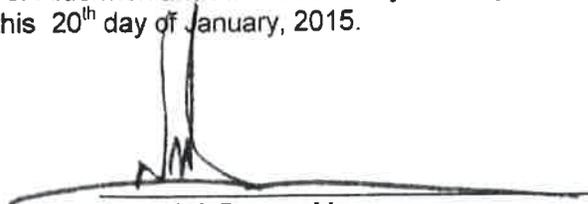
Any person, firm or corporation violating the provisions of this article shall be guilty of a municipal offense and, upon conviction, shall be subject to the penalties provided in section 1-22. In addition, any violation of this article shall be grounds for the City to revoke any or all licenses or permits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

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

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

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

**BE IT REMEMBERED** that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 20<sup>th</sup> day of January, 2015.



David W. Bower, Mayor

ATTEST:



Teresa M. Henry, City Clerk

Approved as to Form:



Joe Willerth, City Attorney



ARTICLE XVII. - SMOKE AND TOBACCO ESTABLISHMENTS

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 percent 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 percent of the business's total volume of trade or sales.

*Tobacco 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.

(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 in the city limits of Raytown without having first obtained a business license issued by the city.
- (b) *Application.* Any person desiring to operate a tobacco store shall make an application with the business license administrator for a permit to operate such business containing 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 for the business.
- (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.
  - (2) Any business license issued under the provisions of this article shall be conspicuously posted or displayed by the applicant during all business operations by such applicant.
  - (3) No business license shall be issued under the provisions of this article to any person, firm or corporation until all tangible personal property taxes and real estate taxes owing by such applicant, if any, shall have been fully paid.
- (d) *Fee.* The fee for the business permit in this article shall be based upon the formula for gross annual receipts, as provided by the Schedule of license fees in section 10-52 of the Raytown Municipal Code.

(Ord. No. 5513-15, § 2, 1-20-2015)

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

- (1) The on-site display, sale or distribution of tobacco paraphernalia to consumers is hereby prohibited except in retail tobacco stores.
- (2) No person shall display, sell or distribute tobacco paraphernalia to any person less than 18 years of age.
- (3) No person shall display, sell or distribute tobacco paraphernalia except as provided in this section.
- (4)

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

(Ord. No. 5513-15, § 2, 1-20-2015)

Sec. 10-576. - General requirements.

- (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)

Sec. 10-577. - Applicability.

The standards of this article apply to tobacco and convenience 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.

- (a) Check Cashing Establishments, Consumer Credit Loan Businesses, Title Loan Businesses and Section 500 Companies. *(Ord. # 5796, 07/27/04)*
- (b) Used Auto sales/service.
- (c) Tattoo parlors and body piercing.
- (6) Oil and gas wells.
- (7) Wholesale sales/distributor.
- (8) Indoor amusement centers provided that:
  - (a) Hours of operation shall be limited by the Board of Aldermen.
  - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (9) Indoor recreational facilities provided that:
  - (a) Hours of operation shall be limited by the Board of Aldermen.
  - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
- (10) Outdoor recreational facilities provided that:
  - (a) Hours of operation shall be limited by the Board of Aldermen.
  - (b) The parking group requirements, including the provision for handicapped accessible parking, must be met.
  - (c) The lighting system meets all City requirements.
  - (d) Noise levels must be in compliance with all City ordinances, regulations and the Code of Laws.

*(Ord. #6245, 11/25/2008)*

**(E) Temporary Uses:** The following uses shall be permitted as temporary uses in the C-2 District in accordance with Section 31-5 (E) of this Ordinance.

- (1) Any use listed as a permitted use within the district of a limited duration as established in Section 31-5 (E) and as defined in Section 31-3 of this Ordinance.
- (2) Carnivals, circuses and community special events.
- (3) Concrete batch plants together with related accessory uses and storage.

- (86) Tailoring/alterations.
- (87) Toy/hobby shop.
- (88) Truck sales/service and repair.
- (89) Upholstery shop.
- (90) Vehicle rental
- (91) Vending/game machine sales/service.
- (92) Vocational school.

*(Ord. #6245, 11/25/2008)*

**(C) Accessory Permitted Uses:** The following uses shall be permitted as an accessory use as provided in Section 31-20 of the Ordinance.

- (1) Any use customarily incidental and subordinate to the principal use it serves.
- (2) Recycling collection point as outlined in 31-20 (D).

**(D) Conditional Permitted Uses:** The following conditional uses may be permitted in the C-2 District, subject to the permit provisions of this Ordinance upon approval by the Board of Aldermen of a conditional use permit:

- (1) Adult-oriented entertainment. See Chapter 2A of the Grandview Code of Laws.
- (2) Outdoor recreation/outdoor amusement center provided that:
  - (a) Hours of operations shall be limited from 8:00 a.m. to 12:00 midnight unless further limited by the Board of Aldermen.
  - (b) The parking group requirement can be met.
- (3) Residential or outpatient treatment facilities for treatment of alcohol or drug abuse.
- (4) Pawn Shops - See Chapter 13.1 of the Code of Laws for distance separations.
- (5) The following Conditional Uses shall not be located within 1,500 feet of any other such Conditional Use, measured in a straight line from the closest exterior wall of the first structure containing such use to the exterior wall of the second structure to contain such use:

# Jackson Co.

## STAFF REPORT

### PLAN COMMISSION

September 15, 2011

RE: LA-2011-023

**Applicant:** Jackson County Public Works Department – Development Division

**Request:** Amend Sections 24004.8.c and 24004.9.c in the Unified Development Code (UDC), Chapter 240 of the Jackson County Code to include new sections pertaining to Pawnshops and Short Term Loan (Pay Day Loan) establishments. Authorizing such establishments as a Conditional Use within the LB Local Business and GB General Business Zoning Districts. A new subsection will be added to 24005 (24005.15) and renumbering subsequent subsections accordingly. Charts at Exhibit 240.18 and Appendix A will be revised. Definitions for these establishments will be inserted at Section 24002.

**Purpose:** As stated, the purpose of this amendment is to include within the UDC, restrictions on locations of pawnshop and short term loan establishments within the unincorporated areas of Jackson County.

Pawnshop. A business that lends money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by chapter 367, RSMo.

Short-term loan establishment. An establishment which (a) engages in the business of loaning money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title, or (b) is registered as a lender under state or federal law. This classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stress, and car title loan stores.

**Comments:** Pawnshops and short-term loan establishments may be authorized as conditional uses in districts LB and GB only, subject to the following conditions:

- 1) No such establishment shall be permitted within 2,500 feet of another pawnshop or short-term loan establishment.
- 2) No such establishment shall be permitted within 1,000 feet of any church, school, daycare facility, public park or hospital.

- 3) No such establishment shall be permitted within 500 feet of any residential district or use.
- 4) Separation distances shall be measured from property line to property line.
- 5) Any such establishment may be permitted only as a principal use of a property and may not be accessory to any other use. No such establishment may operate any accessory uses.

Other cities have passed similar ordinances pertaining to these types of financial services. (Exhibits 9A - D)

The County Counselor's Office assisted Staff with the proposed amendment.

**Recommendation:**

The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Respectfully submitted,  
Planning and Development Division

Randy Diehl  
Interim Administrator

BWE SPRINGS

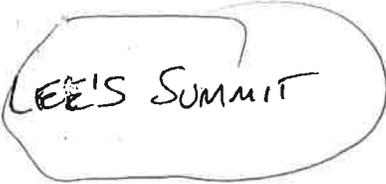
BB. *Short Term Loan Service.*

1. *Separation from other uses.* No short term loan service establishment shall be allowed to locate or expand within two hundred (200) feet of any "RE", "SF", "T-3", "T-4", "TF" or "MF" zoned lot or within one thousand five hundred (1,500) feet of any school, elementary, middle or high or parks and recreation use as those terms are defined in the City Code. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the short term loan service establishment to the nearest lot line of the lot that is zoned "RE", "SF", "TF", or "MF" or that contains the school, elementary, middle or high or parks and recreation use.

2. *Separation from other short term loan service.* No short term loan service establishment shall be allowed to locate or expand within one thousand five hundred (1,500) feet of any other short term loan service use or within one thousand five hundred (1,500) feet of any pawnshop or precious metal and gem dealer as they are defined in Section 605.010 and Section 615.010 respectively. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the short term loan service establishment to the nearest lot line of the lot that contains the other short term loan service or the pawnshop or precious metal and gem dealer use.

3. *Separation from City limits.* No short term loan service establishment shall be allowed to locate or expand within one thousand five hundred (1,500) feet of City of Blue Springs boundary lines. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the short term loan service establishment to the nearest City limits boundary line.

4. *Limitation on number.* Not more than one (1) conditional use permit for a short term loan service shall be issued per each increment of four thousand five hundred (4,500) persons that make up the population of the City of Blue Springs. The population of the City, for the purpose of this Section, shall be determined annually by the City, submitted to and approved by the City Council. This determination shall be submitted to the City Council on or before January first (1st) of each year.



## Article 9. USES PERMITTED WITH CONDITIONS

### Section 9.250. Electric repair shop-(see repair services-non automotive)

### Section 9.260. Fast food restaurant with drive thru (see restaurant drive-through)

### Section 9.270. Horse riding stable, track or polo field (commercial)

A commercial horse riding stable, track or polo field:

- A. Shall be located on a site of at least ten (10) acres, and
- B. All structures shall be located at least two hundred (200) feet from any property.

### Section 9.280. Martial Arts Studio (Amend.#25)

- A. Limited to 12 students per class
- B. Limited to one (1) class at a time
- C. One (1) hour minimum time lapse between classes to lessen the parking impact on surrounding businesses

### Section 9.290. Massage Therapist/Massage Facility

- A. See Definitions in Article 2 of this Chapter
- B. See Chapter 28 Division 2 of the Code of Ordinances for licensing requirements

### Section 9.300. Pawn shop (Amend. #33)

A pawn shop shall be allowed provided that the following conditions can be met:

- A. A minimum of 5,280 feet distance between similar businesses;
- B. A minimum distance of 1,500 feet from any church, school, day care facility, public park or hospital; and
- C. A minimum distance of 500 feet from any residential district or use

Note: All distances shall be measured from the front door of the pawn shop to the property line of the other use.

- D. Lighting requirements – light levels shall be in accordance with the following standards:
  - 1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer's specifications
  - 2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance
- E. Video surveillance camera(s), two-color digital high definition, required:
  - 1. To maintain view of cash register counter
  - 2. To maintain view of all public and/or employee entrances into building/tenant space

## Article 9. USES PERMITTED WITH CONDITIONS

3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of between 4 and 5 feet from the bottom of the door
  4. Capable of providing a minimum storage of 30 days of video surveillance data
- F. Alarm system required.
1. Alarm system shall be monitored off-site
  2. Silent panic alarm shall be provided at each cash register
  3. Employees shall be provided a remote alarm to wear on their person
- G. Automatic door lock required. An automatic door lock capable of being locked from the cash transaction counter shall be provided
- H. Visibility maintained.
1. Unobstructed line of sight shall be maintained at all times from the cash register to the front door
  2. Window areas shall be free from posters, flyers and other such visibility blockers
- I. Banning disguises, ie., no caps, sunglasses or visors, etc.
- J. Drop safes, bolted to floor shall be required.
- K. Height strips shall be required at each public entrance in direct view of employees.
- L. "No Loitering/trespass" signs shall be posted at the front entry to the building.
- M. Annual review required.
1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
  2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, adding a bullet resistant glass bandit barrier or man trap, requiring a minimum of two employees on a given shift, etc.
  3. In the event of an additional robbery where the Police Department's recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license.

### **Section 9.310. Plant nursery/garden center/greenhouse (commercial in AG and RDR Districts only)**

Parking shall be provided and paved with either asphalt or concrete

### **Section 9.320. Recreation facility or area, commercial (indoor and/or outdoor) (Amend. #33)**

A commercial indoor and/or outdoor recreation facility or area shall be allowed provided the front entrance is 300 feet or greater distance from any residential district or use.

**Article 9. USES PERMITTED WITH CONDITIONS**

1. The lot(s) on which the swimming pool is to be located is either owned or is to be owned and under the control of the homes association; and
2. A medium impact screen, per Article 14 of this Chapter, is placed on all common property lines to any adjoining residential lots within the subdivision and located on a three (3) foot tall berm; or in lieu thereof, a six (6) foot tall opaque vinyl fence with a low impact screen placed between the fence and property line; or
3. A 6 foot tall opaque vinyl fence with a medium impact screen planted between the fence and property line, per Article 14 of this Chapter, is placed on all shared property lines of residential property not within the subdivision; and
4. The swimming pool, including concrete apron or deck structure and any associated mechanical equipment or other pool appurtenances, is setback from all property lines by a minimum distance of twenty feet; and
5. Lighting of the swimming pool area, except by low level bollard type lighting or wall pack with 90 degree cutoffs, shall only be provided by Special Use Permit, SUP (see Article 10 of this Chapter).

**Section 9.410. Title Loan Business (Amend. #29)**

(See "Unsecured Loan Business")

**Section 9.420. Unsecured Loan Business (Amend. #29 and #33)**

Such businesses are allowed provided the following conditions can be met:

- A. A minimum of 5,280 feet distance between similar businesses;
- B. A minimum of 500 feet distance from any residential district or use; and
- C. A minimum of 1,500 feet distance from any church, school, day care facility, public building, public park or hospital

All distances shall be measured from the front door of the loan business to the property line of the other use.

In addition to the conditions above, businesses performing on site cash transactions shall meet the following requirements:

- D. Lighting requirements – light levels shall be in accordance with the following standards:
  1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer's specifications
  2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance
- E. Employee protection required.
  1. Banning disguises, i.e., no caps, sunglasses or visors, etc.
- F. Video surveillance camera(s), two-color digital high definition, required:
  1. To maintain view of cash register counter

## Article 9. USES PERMITTED WITH CONDITIONS

2. To maintain view of all public and/or employee entrances into building/tenant space
  3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of 5 feet from the bottom of the door
  4. Capable of providing a minimum storage of 30 days of video surveillance data
- G. Alarm system required.
1. Alarm system shall be monitored off-site
  2. Silent panic alarm shall be provided at each cash register
  3. Each employee shall be provided a remote alarm to wear on their person
- H. Automatic door lock required. An automatic door lock capable of being locked from any cash transaction counter shall be provided
- I. Visibility maintained.
1. Unobstructed line of sight shall be maintained at all times from the cash register to the front door
  2. Window areas shall be free from posters, flyers and other such visibility blockers
- J. Drop safes, bolted to floor shall be required.
- K. Height strips shall be required at each public entrance in direct view of employees.
- L. No Loitering/trespass signs shall be posted at the front entry to the building
- M. Annual review required.
1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
  2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, adding a bullet resistant glass bandit barrier or man trap, etc.
  3. In the event of an additional robbery where the Police Department's recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license

### Section 9.430. Utility building and services

A building or premises for public utility services authorized by the Public Service Commission or by permit of the Governing Body, provided the building or premises is enclosed, landscaped in accordance with the provisions of Article 14, and is in keeping with the appearance of the neighborhood.

### Section 9.440. Veterinarian

- A. A veterinarian, with respect to which, all buildings and activities are located at least one hundred (100) feet from any property zoned or used for residential purposes.

EX. 4  
 Sample distance separations used in recent years

	Distance between same type businesses	Distance from Schools, Churches Daycares, Parks, etc.	Distance from Residential District or Use	Ratio per population
Jackson County	2,500'	1,000'	500'	n/a
Kansas City	1 Mile	n/a	1,000'	n/a
Independence	2,500'	1,500'	500'	1 per 3,500
Lee's Summit	5,280'	1,500'	500'	n/a
Blue Springs	1,500'	1,500'	200'	1 per 4,500