PLANNING & ZONING COMMISSION AGENDA
THURSDAY, MARCH 5, 2026 at 7:00 PM

Board of Aldermen Chamber
Raytown City Hall
10000 E. 59th Street
Raytown, MO 64138

1. **Welcome by Chairperson**

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

Meyers:	Thurman:	Emerson:	Sneddon:	Jean-Paul:
Frazier:	Stock:	Bruenger:	Myers:	

3. **Approval of Draft Minutes – December 4, 2025, Regular Meeting Minutes**
   a. Revisions
   b. Motion
   c. Second
   d. Additional Board Discussion
   e. Vote

4. **Introduction of new Planning & Zoning Coordinator**, Logan Strasburger, AICP

5. **Public Discussion** (Regarding matters not only on this agenda)

6. **Old Business:** None

7. **New Business:**
   a. **Case #**: PZ-2026-03; Zoning Code Clarity Text Amendment
      Applicant: City of Raytown -- Logan Strasburger, AICP, Planning & Zoning Coordinator
      Summary: The applicant requests approval of text amendments to Chapter 50 of the Raytown Municipal Code to update and reorganize key zoning provisions related to land use classifications and standards.
      i. Introduction of Application by Chair
      ii. Explanation of any ex parte' communication from Commission Members regarding the application.

iii. Swearing in of all speakers by City Attorney that plan to give testimony during the hearing.
iv. Enter Relevant City Exhibits into the record:
    1. Staff Report
    2. Attachments & Exhibits
    3. Presentation Slides
v. Introduction of Application and Presentation by Staff
vi. Enter Any Additional Relevant Exhibits into Record as Necessary
vii. Request for Public Comment by Chairman
viii. Additional Questions for Staff
ix. Commission Discussion
x. Commission Vote: Recommend Approval, Conditional Approval, or Denial of Application
    1. Motion
    2. Second
    3. Additional Board Discussion
    4. Vote

8. Other Business:
    a. Zoning Code Update
    b. April Work Session

9. Set Future Meeting Date – The next Regular Planning Commission Meeting is scheduled for Thursday, April 2, 2026, at 7:00 PM. Establish time for work session.

10. Adjourn

CITY OF RAYTOWN

PLANNING & ZONING COMMISSION

REGULAR MEETING

MINUTES

December 4, 2025
7:00 pm
Council Meeting Chambers

1. **Welcome by Chairperson.** Chairman Meyers called the meeting to order at 7:00 P.M.

2. **Call meeting to order and Roll Call.** Secretary Stock called roll.

Sneddon: Present	Jean-Paul: Present	Frazier: Present
Emerson: Present	Meyers: Present	Sneddon: Present
Bruenger: Present	Stock: Present	Myers: Absent

3. **Approval of Minutes:** Minutes of November 6, 2025, Regular Meeting were approved 8-0 upon a motion by Ms. Stock and a second by Mr. Frazier.

4. **Public Discussion:** None.

5. **Old Business:** None.

6. **New Business:**

A. Case No.: PZ-2025-07
Applicant: Elmaddin Humbatov
Reason: Requesting the approval of a Conditional Use Permit application for "Vehicle Repair, Limited," for the property located at 5270 Blue Ridge Blvd.

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

Chairman Meyers introduced the application. The applicant was determined not to be present at the meeting. The meeting proceeded to the second case.

B. Case No.: PZ-2025-06
Applicant: William Kaine, Black Anvil Hub
Reason: Requesting the approval of a Rezoning application from NC-TS, Neighborhood Commercial, Town Square Overlay District to NC-P-TS, Neighborhood Commercial, Planned District, Town Square Overlay District for four (4) parcels addressed as 6220 and 6226 Raytown Road.

Ms. Kolisch advised that we need to continue the public hearing for PZ-2025-07.

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Mr. Meyers introduced the application. All potential speakers were sworn in by Ms. Kolisch. Ms. Kelly proceeded to present the application and the Power Point addressing the background for the request and staff recommendation. Mr. Bruenger asked what makes vehicle painting different than vehicle maintenance. Ms. Kelly explained the two separate land uses categorized by our code, which are "Vehicle Repair, Limited," and "Vehicle Repair, General." The proposed use would be categorized as "Vehicle Repair, General," which is not currently allowed in the Town Square Overlay District.

2. Presentation of Application by Applicant.

Mr. Kaine presented his application and the background for his request. Mr. Thurman asked where in the building the painting booth will be located. Mr. Kaine explained that it will be in towards the rear of the building. He described the layout of the builidng and the proposed uses. Mr. Thurman asked when the anticipated closing date. Mr. Kaine responded that it is to be January 6th, the same day as the first Board of Aldermen meeting. Mr. Jean-Paul asked about his plan for long-term sustainability. Mr. Kaine stated that he hopes to be a landmark and a regional desitination and hopes to have much community involvement. Mr. Jean-Paul asked about his plan for marketing. Mr. Kaine explained his plan for marketing Mr. Jean-Paul thanked him for choosing Raytown and gave his support. Ms. Emerson said that she talked to a number of people in the community about the project and that they, along with herself, are extremely excited.

Mr. Frazier stated that he's supportive of the proposed business. Mr. Sneddon expressed concern about managing the odor for the paint booth and stated his support for the proposed business. Ms. Stock stated that she has served on the Planning Commission for 21 years and she could not recall a case that everyone had this much excitement and supportive for. Mr. Bruenger asked what age of car he planned to work on. Mr. Kaine that they would be accepting cars from the 1980's or prior. Mr. Thurman asked if they intended to partner with Herndon. Mr. Kaine responded that yes, they definitely have plans to partner with the school district. Mr. Meyers concluded the question session. Mr. Kaine stated that he is so excited working with everyone in the city and appreciates everyone's enthusiasm.

Mr. Meyers asked if there were other items that need to be entered into the record. Ms. Kelly stated that yes, the applicant's Power Point should be included.

Mr. Meyers asked if there were any members of the public that would like to speak on the application. Mr. Travis Deetz, current owner of the subject property, came to speak in support of the application.

Mr. Meyers asked if Staff had anything to add. Ms. Kelly stated that she does not. Mr. Meyers closed the public hearing.

3. Commission Decision to Approve, Conditionally Approve or Deny the Application.

Mr. Thurman made a motion to approve the application. Ms. Emerson seconded the motion. Ms. Kolisch requested clarification on the conditions that the Planning Commission were recommending be included.

VOTE: Motion passed 8-1-0.

C. Return to Case No.: PZ-2025-07

Applicant: The Planning Commission returned to Case No.: PZ-2025-07 requesting the approval of a Conditional Use Permit for *"Vehicle Repair, Limited,"* for the property located at 5270 Blue Ridge Blvd.

The Planning Commission asked legal counsel what should be done regarding case PZ-2025-07, since the applicant was not present. Ms. Kolisch responded that they could proceed, if they wanted to, despite his absence. Mr. Meyers asked Ms. Kelly if the applicant had informed her that they weren't coming. She stated that no, she understood that they would be present. The Commission discussed how to proceed. Ms. Kolisch advised that because the public hearing had been advertised, the case should be continued to a date certain. After some discussion, the Commission decided to hear the application at this time.

Mr. Meyers asked if any members of the Commission had any ex parte communication on this application. They responded that they had not. Mr. Meyers asked if anyone was present to speak on the application. No one was present to speak on the application.

Ms. Kelly entered the Powerpoint and all supporting documents into the public record. Ms. Kelly gave the presentation and the background for the request. Mr. Meyers mentioned that there are currently several cars within the subject property that are parked outside of the parking lines. He asked what could be done to deal with the compliance issues with the current business owner. Mr. Bruenger asked if CUPs are issued to the property owners or business owners. Ms. Kelly responded that the reason she wrote the condition the way she did was because the current business owner and property owner are the same person. The current business owner/property owner has a Conditional Use Permit that was granted indefinitely. Some discussion was had regarding the current CUP. Several Planning Commission members expressed frustration at the present condition of the site and felt that the current business owner should be brought into compliance before anyone else obtains a CUP for vehicle repair at this property.

Mr. Bruenger asked if the neighborhood attended the neighborhood meeting. Ms. Kelly responded that the neighborhood meeting was held, but that no one attended. The Commission discussed how to proceed. Ms. Kolisch stated that if the case is held over, it must be announced to be held over to a date certain. Mr. Meyers closed the public hearing.

Mr. Jean-Paul moved to continue the case to the next Planning Commission meeting scheduled for January 8, 2026. Ms. Emerson seconded the motion. Mr. Thurman said that he would like to see some improvement in the condition of the property before they would be willing to proceed with the case. Ms. Kolisch said that the best way to handle this is to wait

until the January meeting when they could speak with him in person. The Planning Commission voted to hold the case over to the January 8th meeting.

VOTE: Motion passed 5-1-3.

7. **Other Business:** Ms. Kelly shared plans to move forward with supporting the goals of the newly adopted Comprehensive Plan and stated the intention to provide an updated to the Planning Commission at every meeting. The first step is to make changes to the zoning code. Ms. Kelly reminded the Comission about the mayor's Volunteer Appreciation Christmas Dinner.

8. **Set Future Meeting Date –** The next Regular Planning Commission Meeting is scheduled for Thursday, January 8, 2026, at 7:00 PM.

9. **Adjourn**

   The meeting was adjourned at 8:39 PM.

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ZONING CODE CLARITY UPDATE

CASE #: PZ-2026-03	**WARD:** City Wide
APPLICANT: City of Raytown	**LOCATION:** 10000 E 59TH ST
STAFF: Logan Strasburger, AICP	**APPLICATION TYPE:** Text Amendment

PROJECT SUMMARY

The applicant requests approval of text amendments to Chapter 50 of the Raytown Municipal Code to update and reorganize key zoning provisions related to land use classifications and standards. The proposed amendment revises Sections 50-4, 50-14, and 50-107, and creates a new Section 50-22 and Section 50-588 to update land use definitions; refine land use table permissions; clarify permitted accessory uses and structures; consolidate permitted temporary uses and their associated standards and; create a definition for Marijuana Consumption Lounges and respective standards.

The purpose of these changes is to improve consistency between definitions and the land use table, remove outdated or unclear terminology, and reorganize code provisions into a more user-friendly format. The amendment is intended to make the zoning code easier to interpret and administer while supporting implementation of the Comprehensive Plan 2040 through a more modern and predictable framework. This application requires a public hearing.

STAFF RECOMMENDATION: APPROVAL

BACKGROUND

Chapter 50 of the Raytown Municipal Code establishes the City's zoning regulations, including land use definitions, land use table, and standards for accessory and temporary uses. Over time, incremental amendments have resulted in certain provisions becoming inconsistent, outdated, or unclear, particularly where land use definitions do not fully align with the current land use table and permission structure. Through recent development reviews and zoning interpretations, staff have identified multiple areas where clarification, alignment, and reorganization would improve code administration and reduce ambiguity for staff and applicants.

Following adoption of the Comprehensive Plan 2040, staff began evaluating and analyzing the zoning code to better align regulations with the Comprehensive Plan's goals and policy direction. The original intent was to

proceed directly into a full, comprehensive code revision; however, staffing constraints and role changes disrupted that process. This proposed text amendment serves as a piecemeal update to address immediate consistency issues between land use definitions and permissions that currently make the code more difficult for staff to administer. See the Analysis section of this report for more detailed information. A full zoning code update is planned and will be brought forward in phases throughout 2026 and into 2027, with this proposed text amendment serving as interim change to help staff administer the code in a more productive and clear way.

Public Notice

The Daily Record: A public hearing notice was published in The Daily Record Kansas City, on February 18, 2026. A copy of the affidavit of publication is included with the attachments to this report. A public hearing sign was posted in front of City Hall on February 16, 2026. A neighborhood meeting is not required for a text amendment application.

STAFF ANALYSIS

General Text Amendments

The proposed text amendments are intended to improve clarity, internal consistency, and administrative usability within Chapter 50 of the Raytown Municipal Code. As currently written, several land use definitions, land use table permissions, and related accessory and temporary use standards are not fully aligned, which has led to interpretation challenges during zoning reviews and permit processing. The amendments update and refine land use definitions, adjust use table permissions to correspond with those definitions, and reorganize accessory and temporary use provisions into clearer, more logically structured sections. These changes are primarily corrective and clarifying in nature rather than policy-shifting and are designed to ensure that similar uses are classified and reviewed consistently.

From an implementation standpoint, the amendments clarify connection between defined uses and how they are regulated in the land use table, reducing ambiguity and improving predictability for applicants and staff. The creation of a dedicated section for temporary uses and the clarification of accessory use and structure standards improves code navigation and reduces the likelihood of conflicting interpretations. Overall, the proposed revisions support more efficient and transparent administration of the zoning code while advancing the Comprehensive Plan 2040's direction to modernize and streamline the City's development regulations. These updates also serve as an interim step that prepares the code structure for the broader, phased zoning code rewrite planned through 2026 and 2027.

Marijuana Consumption Lounge

Staff proposes adding *Marijuana Consumption Lounge* as a new land use classification with the following definition:

"is a commercial business conducted entirely within an enclosed building that operates in a manner similar to a private club or nightclub and provides a designated indoor environment for on-site consumption of marijuana or marijuana-infused products. Such use is typically membership-based or limited to registered patrons and is centered on social consumption occurring on the premises and does not include retail sales of marijuana on-site."

Staff propose adding this land use to the Land Use Table as conditionally permitted within the Neighborhood Commercial District and the Town Square Overlay District and permitted by-right within the Highway Commercial District, subject to the performance standards outlined in Sec. 50-588 (see Exhibit 5).

Background and Rationale

Marijuana consumption is permitted within the City of Raytown. Pursuant to Section 28-330(d) of Municipal Code, marijuana consumption is allowed in restaurants and bars where tobacco consumption is permitted, at the discretion of the property owner. As such, the act of on-site marijuana consumption in commercial establishments is not new to the City.

However, while consumption is permitted in certain existing establishments, the Zoning Code does not currently define or regulate a standalone commercial use centered primarily on marijuana consumption. This creates a regulatory gap. Businesses that are structured specifically around social marijuana consumption do not fit neatly within existing land use classifications, making consistent zoning review, enforcement, and impact evaluation difficult. The proposed Marijuana Consumption Lounge definition addresses this gap by clearly distinguishing a principal-use consumption establishment from accessory consumption occurring within a bar or restaurant.

Additionally, the City permits and regulates marijuana-related facilities, including dispensaries and other state-licensed operations, subject to zoning district regulations. The proposed Marijuana Consumption Lounge use is a logical extension of these existing regulations. The proposed operational and performance standards are intentionally structured to align with the City's current marijuana facility standards, ensuring consistency in administration, predictability for operators, and fairness across similar uses.

Staff are aware that marijuana consumption in commercial settings has been occurring throughout the Kansas City metropolitan area and across the State for some time. The absence of a defined land use classification does not prevent such activity; rather, it limits the City's ability to regulate establishments whose primary business model is on-site consumption. Without defined standards, enforcement becomes reactive and complaint-driven, with limited authority to impose regulations tailored to ensure compatibility and mitigate impacts.

By formally defining Marijuana Consumption Lounge and establishing operational and performance standards, the City creates a clear, enforceable zoning framework. This allows the City to determine appropriate zoning districts, apply conditional use review where required, impose site-specific conditions, and require periodic review to ensure ongoing compliance. It also provides transparency to property owners, business operators, and residents regarding expectations and limitations of the use.

State statute prohibits the consumption of marijuana on the premises of a licensed marijuana dispensary or retail sales facility. Accordingly, the proposed definition expressly prohibits the sale of marijuana or marijuana-infused products within a Marijuana Consumption Lounge.

In summary, this amendment does not legalize marijuana consumption in the City, as that activity is already permitted under Sec. 28-330 of Municipal Code. Rather, it establishes a zoning framework for a commercial business that has marijuana consumption as its principal use, ensuring that the use is regulated intentionally, consistently, and in a manner that protects public health, safety, and welfare.

Electric Vehicle Charging

Staff proposes adding definitions related to electric vehicle (EV) charging, including *Electric Vehicle Charging Station*, *Electric Vehicle Charging Facility, Private,* and *Electric Vehicle Charging, Public*. Proposed definitions can be found in Exhibit 1 and respective land use permissions are found in Exhibit 4.

Background and Rationale

Current zoning code does not identify Electric Vehicle (EV) Charging Stations as a defined land use within the Land Use Table. As electric vehicle ownership continues to increase both regionally and nationally, the absence of a clearly defined use category creates uncertainty in code administration and may delay or complicate review of installation requests. Establishing EV charging as a recognized land use provides clarity to applicants, staff, and decision-makers regarding how such infrastructure is categorized and regulated.

The proposed amendment is consistent with the goals and strategies of the Raytown Comprehensive Plan, particularly those related to sustainability, infrastructure modernization, economic reinvestment, and transportation choice. The Comprehensive Plan encourages reinvestment in existing commercial corridors, and investment in infrastructure. EV charging infrastructure supports these objectives by positioning Raytown to accommodate evolving market demands, attract private investment, and remain competitive within the Kansas City metropolitan region.

Additionally, as a fully built-out community focused on infill and redevelopment, Raytown benefits from clear and predictable regulations that reduce barriers to reinvestment. EV charging stations may function as accessory infrastructure to existing commercial, mixed-use, or multi-family developments, or as stand-alone facilities depending on scale and context. By formally incorporating this use into the zoning code, the City ensures appropriate consideration of site design, compatibility, and intensity while supporting broader sustainability and transportation goals outlined in the Comprehensive Plan.

Convenience Store and Motor Vehicle Fueling Station

Staff propose revisions to the definition of *Convenience Store* and replaces the antiquated term *Service Station* with the updated term *Motor Vehicle Fueling Station.* Refer to Exhibit 1 for definitions.

Background and Rationale

Previously, the definition of Convenience Store included the sale of motor vehicle fuel and the operation of gas pumps, making it functionally similar to the former Service Station use. At the same time, the definition of Service Station was outdated and did not clearly reflect modern fueling operations. This overlap created ambiguity in administration and blurred distinctions between the two uses.

The proposed amendment clarifies these land uses by:

- Revising the definition of Convenience Store to focus on small-scale retail sales of food, beverages, and household goods intended for off-site consumption;
- Removing fuel sales from the Convenience Store definition;
- Replacing the term Service Station with Motor Vehicle Fueling Station, a more contemporary and accurate description of fuel dispensing facilities, including electric vehicle charging; and
- Establishing Motor Vehicle Fueling Station as a distinct land use category within the Land Use Table.

Additionally, the revised Convenience Store definition clarifies that the use is not intended to primarily function as a liquor store or tobacco shop. The use is structured as a general retail establishment offering a range of convenience goods, rather than a store whose primary sales consist of alcohol and/or tobacco products. This distinction improves consistency in land use classification and ensures that retail uses are categorized based on their principal function.

Commercial Schools (Limited, General, and Intensive)

Staff proposes the creation of three new land use definitions related to commercial schools: *Commercial School, Limited*; *Commercial School, General*; and *Commercial School, Intensive*.

Background and Rationale

These definitions are necessary because the current zoning code does not adequately capture or classify various privately operated educational and vocational training uses. Examples include CDL training schools, esthetician and cosmetology schools, trade and technical schools, information technology training centers, and similar skill-based instructional facilities.

Under existing code, these uses do not fit cleanly within any land use definitions, nor are they clearly addressed within commercial use classifications. This lack of specificity creates administrative ambiguity and may result in inconsistent application of zoning standards.

The proposed tiered structure allows commercial schools to be evaluated based on operational intensity and site impacts. Smaller classroom-based instructional facilities may function similarly to office or retail uses, while larger programs, particularly those involving heavy equipment, vehicle maneuvering, or outdoor training areas, present greater intensity and compatibility considerations. Creating separate categories provides flexibility while ensuring that each use is permitted in zoning districts appropriate to its scale and impact.

Overall, the addition of these land use definitions modernizes the zoning code, improves clarity for applicants and staff, and supports workforce development opportunities while maintaining compatibility with surrounding land uses.

EXHIBITS

1. Section 50-4. Definitions.
2. Section 50-14. Permitted Accessory Uses.
3. Section 50-22. Permitted Temporary Uses.
4. Section 50-107(a) & (b). Land use table.
5. Article XII. Marijuana, Medical, and Adult Use.

NEXT STEPS

- Following the Public Hearing, the Planning Commission will make a recommendation to the Board of Aldermen.
- This item will be heard by the Board of Aldermen on April 14.
- A second hearing of the item will be heard by the Board of Aldermen on April 21.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the text amendments for **PZ-2026-03**, Zoning Code Clarity Update.

EXHIBIT 1

Sec. 50-4. Definitions.

Purpose of This Exhibit

This exhibit contains proposed amendments to Section 50-4 pertaining to land use definitions.

The proposed amendment includes:

- **(a)** The addition of new land use definitions to improve clarity and administrative consistency;
- **(b)** Revisions to existing land use definitions to better align with the Land Use Table and district permissions; and
- **(c)** Organizational and formatting edits intended to eliminate ambiguity, reduce redundancy, and improve overall code usability.

The intent of this amendment is to ensure that land use definitions clearly correspond with how uses are categorized and regulated throughout the zoning code, thereby improving predictability for applicants, staff, and decision-making bodies.

How to Read This Document

To assist the reader in identifying proposed changes, the following formatting conventions are used throughout this exhibit:

- **Underlined red text** indicates provisions that are proposed to be **added**.
- ~~**Strikethrough red text**~~ indicates provisions that are proposed to be **removed**.
- Text shown in standard black font without formatting is existing code language that is **not proposed to change**.

Sec. 50-4. Definitions.

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

Access means the right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

Accessory ~~*building*~~ *structure* ~~means~~ is a ~~detached building~~ subordinate structure that is customarily incidental and secondary to a principal structure and use ~~or subordinate to the main building located~~ on the same ~~tract~~ lot as ~~or incidental or subordinate to~~ the principal structure. An accessory structure serves and supports the principal use ~~of the land on which it is located~~ and does not function independently as a principal structure or building.

Accessory use is a ~~means the~~ use ~~of a building or land~~ that is clearly incidental, subordinate, and customarily ~~incidental~~ associated with a principal use, and that ~~to and~~ is located on the same lot ~~or premises~~ as the ~~main~~ principal use ~~of the premises~~. An ~~building housing an~~ accessory use shall not operate independently of the principal use and shall not exceed the scale and intensity reasonably necessary to support the principal use. ~~is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof and designed as an integral part of the main building.~~ An accessory use may be located within a principal structure or an accessory structure.

Adult day care center means a facility for adults having some or all of the characteristics of homes for the elderly, whether operated for profit or not, which through its operation provides one or more personal services for four or more persons not related by blood or marriage to the owner or operator, for a period of less than 24 hours. Personal services are in addition to housing and food service and include, but are not limited to, personal assistance with bathing, dressing, housekeeping, supervision, eating, supervision of self-administered medication and assistance in securing health care from appropriate sources.

Adult entertainment use definitions:

Adult means a person who has attained the age of at least 18 years.

Adult bookstore means an establishment having as a substantial or significant portion of its stock in trade books, magazines or other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, or an establishment or section devoted to the sale or display of such material.

Adult entertainment establishment means an establishment having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of specified sexual activities or specified anatomical areas as defined in this section. An establishment that has more than two percent of its stock in trade of video recordings consisting of video recordings depicting specified sexual activities or specified anatomical areas shall be considered to be an adult entertainment establishment.

Adult mini-motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

Specified sexual activities means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas means:

(1) Less than completely and opaquely covered human genitals and pubic regions, buttock, and female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Agricultural processing means the initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

Agricultural sales and service means an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agriculture means the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in the county. The storage of crops, grains, feeds or other products shall be limited to those raised on or to be consumed on the premises.

Agriculture, general, means the use of land for the production of livestock, dairy products, poultry or poultry products.

Agriculture, limited, means the use of land for the production of nursery stock, row crops, field crops, tree crops or timber.

Airport or *airstrip* means any public or privately owned or operated ground facility designed to accommodate landing and take off operations of aircraft, including all taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley means a dedicated public right-of-way that provides a secondary means of access to and from streets and lots.

Alteration means any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Animal care, general, ~~means a use providing animal care, veterinary services or boarding. See *Animal care, limited,* and *Kennel.*~~ is a facility for the housing, care, treatment, training, boarding, adoption, or rescue of domestic animals that may operate on a broader commercial scale and may include both indoor and outdoor kennel areas. The use may include animal intake and quarantine areas, organized adoption events, training classes, outdoor exercise areas, and accessory veterinary services that are incidental to the primary animal care function. Incidental retail sales of pet-related merchandise are permitted. This use is characterized by the potential for outdoor activity, increased traffic, and noise levels comparable to a kennel or animal boarding facility and does not include commercial breeding operations, livestock production, pet crematoriums unless separately permitted, or a standalone veterinary hospital as the primary use.

Animal care, limited, ~~means a use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See Animal care, general, and Kennel.~~ is a facility for the temporary housing, care, treatment, training, boarding, adoption, or rescue of domestic animals that operates primarily within an enclosed building and at a neighborhood-serving scale. The use may include indoor kennels, animal intake and quarantine areas, grooming, obedience or behavioral training conducted indoors, and accessory veterinary examination or minor treatment services that are incidental to the primary animal care function. Incidental retail sales of pet-related merchandise are permitted. This use is characterized by indoor operations with minimal

outdoor activity and limited noise generation and does not include outdoor kennel runs, commercial breeding operations, livestock production, or a full-service veterinary hospital as the primary use.

Animal hospital or *clinic* means an establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. This includes kennels that are totally enclosed within the establishment and that have no outdoor facilities.

Apartment means a room or suite of rooms within a multi-household dwelling arranged, intended or designed for a place of residence of a single household or group of individuals living together as a single housekeeping unit.

Appeal means a request for a review of the community development director's interpretation of any provision of this chapter or, in the case of flood protection, a request for a variance.

Area, building, means the total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, steps, awnings, marquees and non-permanent canopies and planters.

Area, floor, habitable, means the sum of the horizontal areas of all rooms in a building used for habitation, such as living room, dining room, kitchen, bedroom, bathroom or closet, but not including hallways, stairways, service rooms or utility rooms, unheated rooms such as enclosed porches or rooms without at least one window or skylight opening onto a yard or court, measured between the interior faces of walls.

Area, floor or *gross floor,* means the sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor areas not devoted to residential use, but including the area of walled-in and roofed porches and terraces. All dimensions shall be measured between exterior faces of walls.

Artisan Production is a small-scale production or fabrication use in which consumer goods or craft products are produced by hand, hand tools, or small-scale light machinery with minimal external impacts. Typical products include furniture, textiles, leather goods, jewelry, ceramics, artworks, glassware, metal crafts, and similar items. Artisan Production uses may include on-site sales, showroom areas, and instructional classes as accessory uses. All activities shall occur within enclosed buildings with no outdoor fabrication, no outdoor storage, and no heavy freight activity. May include shared equipment, instructional space, and collaborative fabrication environments associated with maker spaces.

Assembly, Small is a facility used for indoor gatherings of people for meetings, instruction, worship, civic functions, cultural activities, or similar group purposes, conducted on a recurring or regularly scheduled basis, and characterized by limited attendance, daytime or early evening operating hours, and minimal off-site impacts. Activities are primarily seated or structured and do not involve amplified entertainment, dancing, or late-night operations as a primary function.

Assembly, Large is a facility used for indoor gatherings of people for meetings, worship, ceremonies, performances, conferences, spectator activities, or similar group purposes, conducted on a recurring or regularly scheduled basis, and characterized by larger attendance, the potential for amplified sound or performance elements, and moderate off-site impacts related to traffic, parking, or event turnover. Accessory food or beverage service may be provided.

Asphalt or *concrete plant* means an establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, and cement or concrete products.

Auditorium or *stadium* means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Automated teller machine (ATM) means a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. An ATM

located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

Bank or *financial institution* means establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. Banks and financial institutions also include automated teller machines.

Bar ~~or *tavern*~~ means an establishment ~~in which the primary function, meaning over 50 percent of the revenue, is comprised of the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs.~~ where the primary use is the on-premises sale and consumption of alcoholic beverages by the drink. Bars may provide indoor seating, entertainment, and social environments for patrons and may offer limited food service as an accessory use. Bars may include billiards, dart boards, stage areas, and similar patron amenities. The on-site sale of food is not required and the service of food shall be considered accessory to the primary use of alcoholic beverage service.

Live entertainment, amplified music, karaoke, or other performance activities are permitted as accessory uses unless such activities become the primary use, at which point the establishment shall be classified as a Nightclub or Assembly use.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Basic industry means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials. Typical uses include distilleries, pulp processing and paper products manufacturing; glass manufacturing; brick manufacturing; steel works; tanneries; acid manufacturing; cement, lime, gypsum, or plaster of Paris manufacturing; fertilizer or chemical manufacturing; and petroleum refineries.

Bed and breakfast home or *inn* means a dwelling where for compensation one or more rooms are available for lodging and breakfast served to lodgers only. When conducted as a home occupation, such facilities are designated as "home." When designated as an "inn," such facilities may be operated as a home occupation or as a business enterprise. When specifically permitted, tea rooms for a limited number of customers may be operated in conjunction with bed and breakfast inns.

Boardinghouse or *lodging house* means a building, other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Breezeway means a pedestrian connection between two buildings, having a permanent roof and floor, and having no sidewalls, except that screen wire or lattice having at least 50 percent open area may be attached in the form of sidewalls.

Brewpub is an establishment where alcoholic beverages such as beer, ale, or cider are produced on-site primarily for on-premises consumption in a bar or restaurant setting, with limited off-premises distribution as an accessory use. Brewpubs/Taverns typically include indoor seating, may include a kitchen, and operate primarily as hospitality-oriented establishments that serve patrons directly. A brewpub may also be referred to as a Tavern.

A Brewpub is distinct from a Bar, where alcoholic beverage service is the primary use but no on-site production occurs, and distinct from a Microbrewery, where manufacturing and distribution of alcoholic beverages is the primary use and any tasting rooms or retail sales are accessory to production.

Buildable width means the width of that part of a lot not included within the open spaces herein required.

Building means a structure having a roof supported by columns or walls whether or not completely enclosed. When separated by common walls without openings, it shall be deemed a separate building. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway having a continuous roof shall be deemed as one building.

Building, attached, means a building having at least one wall or more in common with another building.

Building, detached, means a building having no walls in common with another building.

Building height means the vertical measurement from grade to a point midway between the highest and lowest points of the roof.

Bulk regulations means the height, area, yard and parking regulations associated with permitted uses in zoning districts.

Business and professional office means the office of a dentist, doctor, attorney, real estate agent, insurance agent, architect, engineer or other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration, but not including rooms for the overnight care of patients.

Campground means any parcel of ground that provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers or similar recreational vehicles or tents. The term "campground" does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

Camping trailer means any vehicular portable dwelling unit designed especially for short-term occupancy such as: travel trailers, tent trailers, truck or auto-mounted camping units, converted buses and trucks, and all other similar units whether self-propelled, pulled or hauled, and designed primarily for highway travel without the necessity of a special permit.

Carwash means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Cemetery means land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

Child foster care facility means any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption.

Child nursery means a building where five or more children under six years old, other than members of the household occupying such building, are served and taken care of for compensation.

College or *university* means an institution of higher education offering undergraduate or graduate degrees.

Commercial school, general is a commercial school providing vocational or technical instruction that may involve specialized equipment, shop areas, or limited indoor training activities that generate moderate operational impacts. Typical uses include trades training such as electrical, HVAC, plumbing, welding, fabrication, culinary arts, and similar programs. Instruction is primarily indoors but may include short-term outdoor loading, deliveries, or material handling. No fleet vehicle storage or outdoor training yards are allowed.

Commercial school, intensive, is a commercial school providing vocational instruction involving outdoor training areas, heavy equipment, or fleet vehicle operation such as CDL/CMV driving schools, heavy equipment operation, warehousing logistics training, semi-truck maneuver yards, or construction equipment operator training. This use may include staging areas, practice yards, outdoor fleet storage, maneuvering courses, and associated safety training areas.

Commercial school, limited is a commercial school that provides classroom-based or low-intensity instruction conducted entirely indoors with minimal external operational impacts. Typical uses include cosmetology schools, barber schools, esthetics schools, tutoring centers, language instruction, test preparation, music or dance instruction, and similar training programs. These facilities do not involve heavy equipment operation, outdoor training areas, or significant vehicle storage.

Common open space means a parcel of land or an area of water, or combination of both land and water, and designed and intended for the use and enjoyment of the residents of the development. Common open space does not include streets, alleys, parks, off-street parking or loading area, publicly-owned open space or other facilities dedicated by the developer for public use.

Communications tower means a guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.

Compost facility means a facility that is designed and used for transforming food, yard wastes and other organic material into soil or fertilizer by biological decomposition.

Conditional use means a use of any building, structure or parcel of land deemed by the planning commission that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses may have special conditions and safeguards attached to assure that the public interest is served and are subject to approval as set out in article V. Conditional Uses.

Construction sales and service means an establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment of materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

Contingency plans means detailed plans for control, containment, recovery and clean-up of hazardous materials released during floods, fires, equipment failures, leaks and spills.

Convenience store ~~means a small retail establishment that is open long hours, typically sells staple groceries, snacks, and beverages, and 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. This definition shall not include the lubrication of motor vehicles, and the adjustment or repair of motor vehicles. This definition shall not include any business where the primary business activity is the sales of tobacco, tobacco products, vaping/e-cigarette products, and package liquor, or any combination thereof that constitutes a majority of the business activity where sales of gasoline and sundries are incidental.~~ is a small retail establishment that sells a limited range of groceries, prepared foods, snacks, beverages, and everyday household items intended for quick purchase and carry-out. Convenience Stores may sell tobacco and alcoholic beverages; however, sales of tobacco and alcoholic beverages shall constitute less than fifty percent (50%) of total gross sales. No motor vehicle fuel sales shall occur on the premises. Fuel sales are classified separately as part of a Motor Vehicle Fueling Station use. Limited prepackaged or quick-serve food preparation may be provided as an accessory use.

Correctional facility means a facility providing housing and care for individuals confined for violations of law.

Court means an open space, bounded on three or more sides by exterior buildings, walls or by exterior walls of a building and lot lines upon which walls or fences are allowable.

Cultural service means a facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos, and aquariums.

Curb level means the mean level of the curb in front of the lot, or in the case of a corner lot, along that abutting street where the mean curb level is the highest.

Day care center means a day care establishment that provides care, protection, and supervision for 20 or more children at any one time, excluding those under the custody of the day care provider, in a location other than the provider's permanent residence and licensed by the state of Missouri.

Day care, group home, means an establishment that provides care, protection and supervision for 11 to 20 children at any one time, excluding those under the custody of the day care provider, in a location other than the provider's permanent residence and licensed by the State of Missouri.

Day care, family home, means a day care center that provides care, protection and supervision for not more than ten children at any one time, not including those related to the day care provider, and licensed by the State of Missouri for five or more children.

Developer means the owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of rezoning or seeking a conditional use on land.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levee, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Drive-in establishment means an enterprise that accommodates the patrons' automobiles and from which the occupants of the automobiles may make purchases, transact business or view motion pictures or other entertainment.

Dwelling means any building or portion thereof that is designed and used exclusively for residential purposes.

Dwelling, multihousehold, means a building designed for or occupied exclusively by three or more households living independently of each other.

Dwelling, single-household, a detached dwelling, designed for or occupied by one single household, containing one dwelling unit. For the purposes of these zoning regulations, foster homes and small group living shall be considered single-household dwellings.

Dwelling two-household, means a building designed for or occupied by two households living independently of each other in separate dwelling units.

Dwelling unit means one or more rooms constituting all or part of a dwelling that are used exclusively as living quarters for one household and not more than two roomers or boarders, and that contain a stove, sink and other kitchen facilities.

Electric Vehicle Charging Facility, Private is a facility that provides electric vehicle (EV) charging equipment that is not open to the general public and is used for charging municipal, commercial, industrial, or privately owned fleet vehicles under common ownership or control. Fleet EV Charging Facilities may include Level 2 or fast-charging equipment (Level 3 or higher) and may include accessory parking, maintenance, and operational support spaces. Fleet EV Charging Facilities do not provide retail charging services to the general public and are not classified as Public EV Charging Facilities or Motor Vehicle Fueling Stations for the purposes of this Code.

Electric Vehicle Charging Facility, Public is a facility that provides electric vehicle (EV) charging equipment for use by the general public for a fee or other form of access. Public EV Charging Facilities may include Level 1, Level 2, or fast-charging equipment (Level 3 or higher), and may include accessory parking spaces, payment systems, lighting, canopies, and limited accessory retail or service functions when permitted by this Code. Public EV Charging Facilities are distinct from Motor Vehicle Fueling Stations, which provide liquid or gaseous motor vehicle fuels, and from Fleet EV Charging Facilities, which serve vehicles not accessible to the general public.

Electric Vehicle Charging Station is the equipment and associated hardware that provides electric energy to charge plug-in hybrid and electric vehicles. Stations may be classified as Level 1 (120v), Level 2 (208/240V), or Level 3/DC Fast Charging (480V or higher).

Event Venue is an establishment that rents or provides indoor or outdoor space for private or public events such as weddings, receptions, banquets, conferences, charity functions, corporate events, social gatherings, or

similar programmed activities, where events are scheduled in advance and attendance is time-limited. Event Venues may include accessory kitchens, food service, bars, audio/visual equipment, staging areas, and outdoor patios. Sale or service of alcoholic beverages is permitted as an accessory use. Event Venues may operate during daytime or evening hours and may generate periodic noise, traffic, or parking impacts associated with event turnover.

Event Venues differ from Assembly, Small and Assembly, Large in that they are rental-oriented and event-programmed rather than regularly scheduled or membership-based. Event Venues differ from Restaurants and Bars in that patrons typically attend by invitation or reservation for a specific event rather than on a walk-in basis. Event Venues differ from Nightclubs in that dancing or late-night entertainment is not the primary use and alcohol service is accessory to the event.

Existing manufactured home park or *subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Facility means something built, installed or established for a particular purpose.

Family is one or more persons related by blood, marriage, domestic partnership, guardianship, adoption, or a group of unrelated persons living together as a single housekeeping unit.

Fast food restaurant means any business establishment whose principal business is providing for the preparation or sale of prepared foods, frozen desserts, or beverages for either carry out/delivery or for consumption on the premises where either:

(1) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or

(2) The establishment includes a drive-up or drive-through service facility or offers curb service.

Financial institution means an establishment primarily or as an accessory use engaged in the provision of financial and banking services. Typical institutions include banks, independent automatic teller machines (ATM) not located on the property of a financial institution, savings and loan institutions, credit unions, loan and lending services, pawn shops and loan brokers as defined in RSMo ch. 367.

Floor area ratio means the ratio of the floor area of a building to its lot area. For example, when a floor area ratio of four-tenths is specified, the floor area of a building constructed on a lot of 10,000 square feet in area is limited to a maximum of 4,000 square feet. The number of stories being optional, the building area may be 4,000 square feet for one story, 2,000 square feet for each of two stories, and so forth. The purpose of this ratio is to control the bulk of buildings.

~~*Food/bakery product manufacturing* means a use engaged the manufacture of food and food products, including non-retail bakeries, canning facilities and creameries.~~

Foster home means a single-household dwelling that is the private residence of one or more household members providing 24-hour care to one or more but less than seven children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption.

Freight terminal means a building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.

Garage, carport, means a partial enclosure attached to a dwelling or other building for storage only of motor vehicles.

Garage, storage, means a building or portion thereof, except those defined as a private, public or community garage, providing storage for motor vehicles, with facilities for washing but no other services.

Gas and fuel sales/storage means the use of a site for bulk storage and distribution and sales of flammable liquid, gas or solid fuel, excluding belowground storage that is clearly ancillary to an allowed principal use on the site.

Golf course means a facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See *Recreation and entertainment, outdoor.*

Goods means any merchandise, equipment, products, supplies, or materials.

Government service means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies and utility billing offices.

Group home means a residential facility serving nine or fewer residents and not more than two of whom are staff residents, similar in appearance to a single-family dwelling and providing basic health supervision, rehabilitation training, community integration or social support. Group homes are specifically licensed by the State of Missouri or otherwise permitted by law.

Group living, large, means any dwelling occupied by more than ten unrelated persons ~~that cannot be defined as a household~~.

Group living, small, means any dwelling occupied by at least four but no more than ten unrelated persons ~~that cannot be defined as a household~~.

Guest house means living quarters within a detached accessory building located on the same lot with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Hazardous material means a material that is defined in one or more of the following categories:

(1) Ignitable: A gas, liquid or solid that may cause fires through friction, absorption of moisture or that has low flash points. Examples: white phosphorous and gasoline.

(2) Carcinogenic: A gas, liquid or solid that is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.

(3) Explosive: A reactive gas, liquid or solid that will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

(4) Highly toxic: A gas, liquid or solid so dangerous as to afford an unusual hazard to life. Examples: parathion and chlorine gas.

(5) Moderately toxic: A gas, liquid or solid that through repeated exposure or in a single large dose can be hazardous. Example: atrazine.

(6) Corrosive: Any material, whether acid or alkaline, that will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

Hazardous operation means activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

Health club means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Heliport or *helipad* means an area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior; or

    b. Directly by the Secretary of the Interior in states without approved programs.

Home-based business (also includes the term home occupation where it may appear throughout this chapter) means a home-based business operating in a residential dwelling that manufactures, provides, or sells goods or services and owned and operated by the owner or tenant of the residential dwelling in which the business is located. Such business use shall be clearly subordinate to the residential use of the dwelling unit and comply with all applicable standards contained in section 50-107(b)(7). This definition includes both no impact home-based businesses and home-based work as defined in this section.

Home-based business, no-impact, (including the term no-impact home-based business) means a type of home-based business that:

(1) Is engaged in the sale of lawful goods and services compliant with Missouri State Statute (RSMo) sections 71.990 and 89.500, where the business activities take place primarily in the residential dwelling and its associated yard area;

(2) Does not cause a substantial increase in traffic through the residential area;

(3) The activities of the business are not visible from any public street;

(4) Does not use any equipment that produces noise, light, odor, smoke, gas, or vibrations that can be seen, felt, heard, or smelled by a person of ordinary senses outside of the property boundary where the business is located;

(5) Does not sell any goods or services for which a health inspection would be required if the business were not located in a residence unless the owner or tenant provides written consent from the local health department with jurisdiction to inspect the business during normal business hours or at any other time that the business is operating;

(6) Is operating in a residential dwelling that manufactures, provides, or sells goods or services inside the residential dwelling or in the yard that is owned and operated by the owner or tenant of the residential dwelling in which the business is located; and

(7) Does not exceed the occupancy limit of the dwelling unit. The total number of persons in the home, including residents, customers, clients, employees, and all others may not exceed the maximum occupancy of the residence at any time. This maximum occupancy shall be posted in a conspicuous location inside the primary entrance to the dwelling hosting the home-based business.

Home-based work, means a type of home-based business that:

(1) Is engaged in the sale of lawful goods and services compliant with Missouri State Statute (RSMo) sections 71.990 and 89.500;

(2) The activities of the business take place primarily or entirely outside the residential dwelling and associated yard area;

(3) This use category includes, but is not limited to, contractors (plumbers, electricians, painters, HVAC technicians, and other similar construction businesses), event planners, door to door salesmen, independent operators (includes tractor units and tow trucks but does not confer the right to operate vehicle storage lots or tow lots at the residential dwelling address and its associated yard area), health care professionals (visiting nurses and aides), wholesalers and distributors; and

(4) Any vehicles related to the business such as tow trucks, box trucks, large vans, and semi-tractor units, do not exceed both the number permitted or the maximum gross vehicle weight rating limit in residential areas.

Hospital means:

(1) An institution that offers service more intensive than those required for room, board, personal services and general nursing care;

(2) An institution that offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy;

(3) An institution that regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses; and

(4) A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 consecutive hours in any week of three or more non-related individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than 24 consecutive hours in any week medical or nursing care for three or more non-related individuals.

The term "hospital" does not include a dwelling used for group living, large or small, or residential care facilities.

Hotel or *motel* means:

(1) An establishment used, maintained or advertised as a place where sleeping accommodations, in rooms without individual kitchens, are supplied for short-term rent to transient guests. Typical uses include hotels and motels.

(2) A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged with or without meals, and in which there are more than five sleeping rooms.

Indoor Training and Simulation Facility is a commercial recreation or instructional use conducted entirely within an enclosed building that provides skill development, practice, training, or simulated experiences through mechanical, electronic, digital, virtual, or projection-based equipment. Such facilities may include, but are not limited to, indoor golf simulators, batting cages, sport training simulators, marksmanship or shooting simulators (non-live fire), virtual reality gaming environments, and similar technologies. Accessory retail sales, instruction, leagues, food and beverage service, and private event rentals may be permitted when incidental to the primary simulation or training use.

Household means one or more persons living together and sharing common living, sleeping, cooking and eating facilities within an individual dwelling unit, no more than three of whom may be unrelated. The following persons shall be considered related for the purpose of this definition:

(1) Persons related by blood, marriage or adoption, or foster care;

(2) Persons residing in a household for the purpose of adoption;

(3) Person(s) living in a household at the direction of a court.

Indirect illumination means lighting of a sign or object in such a way that the source of light cannot be seen.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel and other old or scrap ferrous or nonferrous material.

Junk yard means premises or a building that is maintained, operated or used for storing, keeping, buying or selling junk. The term shall include garbage dumps and salvage yards.

Kennel means a commercial operation that:

(1) Provides food, shelter and care for three or more dogs of six months of age or older for purposes not related to medical care, such as boarding, breeding or training, including dogs owned by the occupants of the property; or

(2) Regularly engages in the breeding of animals for sale.

See *Animal care, general,* and *Animal care, limited.*

Landfill means a disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

Laundry service means an establishment that is primarily engaged in the large-scale washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.

Library means a publicly operated establishment housing a collection of books, magazines, audio and videotapes and other material for borrowing and use by the public.

Loading space means a space within the main building or on the same lot, providing for the loading or unloading of trucks, within a minimum of 14 feet by 50 feet and a vertical clearance of 18 feet.

Lot means a parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by these regulations, which may include more than one lot of record or metes and bounds, described tract having its principal frontage upon a public street.

Lot area means the total area within the property lines of a lot or tract.

Lot, corner, means a lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the director of community development department or the director's designee. A corner lot has two front yards.

Lot, depth of, means the mean (average) horizontal distance between the front and rear lot lines.

Lot, interior, means a lot whose side lines do not abut upon any street.

Lot lines means the boundary lines of a lot. If a zoning lot has two or more front lot lines, the director of community development department shall designate the yards.

Lot of record means a lot that is part of a subdivision, the map of which has been recorded in the office of the county recorder of deeds, or a lot that is described by metes and bounds, the description of which has been recorded in the office of the recorder of deeds.

Lot, through, means an interior lot having frontage on two streets.

Lot, width of, means the horizontal distance between the side lot lines as measured at the front building line.

Manufactured home means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle. Manufactured homes will only be allowed in property zoned as Manufactured Home Park Residential District (MH).

Manufactured home park or *subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing and assembly means an establishment engaged in the manufacture predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industry.

Materials recovery facility means a facility in which source separated commingled recyclable materials, such as newspapers, glass, metals and plastic containers, are stored, flattened, crushed and/or bundled prior to shipment to others who will use those materials to manufacture new products.

Medical Clinic is an establishment where licensed medical providers, including but not limited to physicians, mental health practitioners, dentists, chiropractors, and physical therapists, diagnose, treat, or manage medical conditions, perform medically necessary procedures, provide clinical care, and may prescribe medications for medical treatment on an outpatient basis. Medical Clinics do not provide overnight patient care.

Medical service means an establishment, providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists; blood banks and medical laboratories.

Medical Spa is an establishment offering elective medical aesthetic services performed by or under the supervision of a licensed medical provider, where services are primarily cosmetic and do not include diagnosis or treatment of medical conditions.

Medical Wellness Facility is an establishment that provides elective medical wellness services under the supervision of a licensed medical provider, including IV hydration therapy, medical weight-loss treatments, hormonal therapies, and similar services not primarily focused on diagnosing or treating illness. Medical Wellness Facilities do not include medical aesthetic services such as cosmetic injectables (e.g., Botox or dermal fillers), cosmetic laser procedures, or other aesthetic treatments, which are classified as Medical Spa uses.

Military service means a facility used or intended to be used by a branch of the U.S. Armed Forces, including military reserves.

Mining or *quarrying* means the extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical include sand and gravel pit operations, quarries and mines.

Mobile home is a factory-built, transportable dwelling unit constructed prior to June 15, 1976, designed for residential occupancy and built on a permanent chassis, which was not constructed in accordance with the federal

Manufactured Home Construction and Safety Standards (HUD Code). Mobile homes were produced under pre-HUD construction standards and are distinct from manufactured homes. A structure meeting this definition shall be classified as a mobile home regardless of foundation type or the removal of wheels, axles, or towing equipment. Mobile homes are considered a separate land use category from manufactured homes and may be subject to different zoning and placement regulations.

Mobile home sales means an establishment primarily engaged in the display and sale of mobile homes or manufactured housing units.

Modular home means a manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard.

Motor Vehicle Fueling Station is a facility where motor vehicle fuels, including gasoline, diesel, compressed or liquefied fuels, hydrogen, and electric vehicle (EV) fast charging (Level 3 or higher), are stored and provided for retail sale or fee to the general public. Gas Stations may include ancillary convenience retail, automotive products, and other incidental sales and services. Grocery, snack, and beverage retail uses are considered accessory to the primary use of fuel sales. EV fast charging facilities operating without the sale of liquid or gaseous motor vehicle fuels shall be classified as Electric Vehicle Charging Facilities and not as Motor Vehicle Fueling Station.

Museum A facility used for the acquisition, preservation, study, and public exhibition of objects, artifacts, works of art, historical materials, scientific specimens, or other items of cultural, educational, or interpretive significance. A museum is primarily intended for public viewing and education and may include exhibit galleries, interpretive displays, archives, and related educational programming.

A museum may include accessory uses customarily associated with museum operations, such as gift shops, classrooms, lecture space, offices, and food service for visitors, provided such uses are subordinate to the principal museum function.

New manufactured home park or *subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

Night Club is an establishment where the on-premises sale and consumption of alcoholic beverages is combined with entertainment as a primary feature, including dancing, DJs, live music, or similar performance activities, and which typically operates during late evening or late-night hours. Nightclubs commonly include dance floors, stages, or amplified sound systems and are designed for entertainment-oriented patron activity rather than primarily seated beverage service. Food service, if provided, is accessory.

A Bar is characterized by alcohol service as the primary activity with entertainment incidental. A Nightclub is characterized by entertainment and dancing as primary activities with alcohol service integral to the operation. Establishments featuring dance floors or regular entertainment programming as a principal business model shall be classified as Nightclubs.

Nonconforming lot of record means a lot that does not comply with the lot area and yard regulations for any permitted use in the zoning district in which it is located, and was part of a recorded subdivision of a parcel of land, the deed to which was recorded prior to the adoption of zoning and or subdivision regulations.

Nonconforming structure means any building or structure in existence at the time of the effective date of these regulations that does not conform to the provisions of the same.

Nonconforming use means any land occupied by a use at the time of the effective date of the ordinance from which this chapter is derived that does not conform with the provisions of the same.

Oil or *gas drilling/refining* means the subsurface extraction or refining of oil or natural gas.

Open space means the lot area unoccupied by a building, parking areas, and driveways, which is either landscaped or developed for recreational use by the occupants of such premises.

Overlay district means a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Parking lot, commercial, means an area used or intended to be used for the off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

Parking space, off-street, means a paved area constructed of concrete or asphalt or similar material that is at least nine feet wide and 18 feet deep, enclosed or unenclosed, to store one automobile, having the minimum dimensions as determined by the community development director, to which an automobile has direct access.

Parks and recreation means a park, playground or community facility, owned by or under the control of a public agency or homeowners' association that provides opportunities for active or passive recreational activities.

Person means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Personal Care is a commercial establishment providing non-medical grooming, wellness, or appearance-enhancement services to individuals, including barber shops, hair salons, nail salons, estheticians, massage therapy, tanning studios, cosmetic tattooing and permanent makeup establishments, and traditional spas without a medical component.

This definition does not include establishments that provide medical aesthetic or medical wellness services, including but not limited to the administration of injectables, dermal fillers, laser treatments requiring medical supervision, prescription weight-loss medications, or any service requiring a licensed medical provider. Such establishments may be classified as Medical Clinic, Medical Spa, or Medical Wellness Facility.

Personal Instruction, Limited is a commercial establishment that provides individualized or small-group instruction, coaching, tutoring, or training in academic, artistic, recreational, vocational, or similar skills. Activities are conducted on an appointment or small-class basis and do not involve open-membership fitness or exercise equipment.

Personal Instruction, General is a commercial establishment that provides instruction, training, coaching, or tutoring to individuals or groups in academic, artistic, recreational, physical, vocational, or similar skills. Facilities in this category may contain multiple classrooms or studios, accommodate larger class sizes, or generate increased parking and circulation demand. Typical examples include larger martial arts studios, performing arts studios, dance schools, indoor training academies, or similar instructional facilities.

Planned development means a tract of land under single ownership or control at least one acre in size that is to be developed in accordance with a plan adopted by resolution and the boundaries of which are established by the zoning district map.

Planning and zoning commission means the city planning and zoning commission; also called the "planning commission" and "commission."

Post office means a facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

Printing and publishing means the production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services.

Professional Office is an establishment in which professional, administrative, or business services are provided by licensed or certified practitioners or by individuals offering specialized expertise. Typical uses include offices for attorneys, accountants, architects, engineers, surveyors, insurance and financial service providers,

planners, consultants, real estate brokerages, and similar professions. Professional Offices conduct their activities primarily indoors and may serve clients or the public on a walk-in or appointment basis or may operate as administrative offices without on-site customer visitation.

Recreation and entertainment, indoor, means an establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades.

Recreation and entertainment, outdoor, means ~~an establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, and miniature golf courses.~~ land or facilities used primarily for outdoor recreational, amusement, leisure, or entertainment activities conducted outside of enclosed buildings, whether operated for commercial or noncommercial purposes. Such uses may include participant-based or spectator-based activities and may involve equipment, attractions, courses, fields, or performance areas located outdoors. Accessory structures, concessions, seating, lighting, and support facilities are permitted. This use includes, but is not limited to, outdoor sports and recreation facilities, amusement attractions, play and adventure parks, outdoor event grounds, and similar outdoor-oriented activities.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling means the return of municipal solid waste items, most notably, glass, paper, aluminum, steel, other metals, motor oil, yard waste and plastics, for reuse or remanufacture as a usable product.

Recycling collection center means a building and/or site, with more than 1,000 square feet in area, in which source separated recoverable materials, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market.

Religious assembly means a site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

~~*Repair service* means an establishment primarily engaged in the provision of repair services to individuals and households, but excluding vehicle repair services. Typical uses include appliance repair shops.~~

Research service means an establishment engaged in conducting basic and applied research including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Residential care facility means a Residential Care Facility I, Residential Care Facility II, Intermediate Care Facility, or Skilled Nursing Facility, as those terms are defined in RSMo ch. 198. The term "residential care facility" does not include a hospital.

Restaurant means a building wherein food is prepared and served to the public in ready-to-eat form, including a bed and breakfast home or inn. The term "restaurant" includes cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.

Retail & Service, General is a retail or customer-service establishment that offers goods or services directly to consumers primarily for on-site purchase, use, or enjoyment, and that typically generates regular customer visits

and pedestrian activity. General retail and service uses operate within enclosed buildings, utilize light-duty vehicles for deliveries, and do not involve outdoor storage, heavy equipment, bulk materials, or industrial processing. Examples include apparel stores, pharmacies, bookstores, personal care services, financial institutions, household goods stores, coffee shops, and similar establishments serving the general public.

Retail & Service, Heavy is a retail or customer-service establishment that sells goods, equipment, vehicles, or materials that are bulky, heavy, or require outdoor display, storage, or frequent loading using medium- to heavy-duty vehicles. Heavy retail and service uses may involve greenhouse or yard areas, fleet or equipment storage, outdoor merchandise display, or limited assembly and repair functions that are incidental to the principal retail or service activity. Examples include home improvement stores, building materials and lumber yards, farm and construction equipment sales and rental, manufactured home sales, outdoor power equipment sales and repair, and similar establishments serving residential, commercial, or contractor customers.

Reverse vending machine means a machine in which recyclable materials are deposited in exchange for cash.

Safety service means a facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

Salvage yard means an area of land with or without a building used for or occupied by a deposit, collection or storage of used or discarded materials such as wastepaper, rags or scrap material, or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Such materials shall be stored inside a completely enclosed building. A salvage yard shall also include the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which for a period exceeding 30 days have not been capable of operating under their own power or from which parts have been removed for reuse or sale, shall cause the parcel to be considered to be a salvage yard.

School, elementary, middle or *high,* means the use of a site for instructional purposes on an elementary or secondary level.

~~*Service station* means any building or land used for the sale or retail of automobile fuels, oils and accessories, including lubrication of automobile and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.~~

Shooting range means an outdoor facility used or intended to be used for the discharge of firearms at targets.

Sign means any structure or part thereof or any device attached to, printed on or represented on a building, fence or other structure, upon which is displayed or included any letter, word, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except illuminated signs within show windows. A sign includes any billboard. It does not include a flag, pennant or insignia of any of the following:

(1) Any nation or association of nations;

(2) Any state, city or other political unit;

(3) Any political, charitable, educational, philanthropic, civic drive, movement or event.

Solid waste collection/processing means recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where municipal solid wastes are salvaged, sorted, processed or treated.

Solid waste transfer station means a facility where solid waste or recyclable material is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.

Source separation means materials that are separated from the municipal solid waste stream at the point of origin for the purpose of recycling. For example, households separating paper, glass and aluminum from the rest of the solid waste.

Start of construction, means the date the building permit was issued, including for substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Start of construction does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stockyard means a non-farm based facility used or intended to be used for selling or holding livestock.

Street means any public way.

Structural alteration means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of these regulations, the following shall not be considered a structural alteration:

(1) Attachment of a new front where structural supports are not changed.

(2) Addition of fire escapes where structural supports are not changed.

(3) New windows where lintels and support walls are not materially changed.

(4) Repair or replacement on non-structural members.

Structure means a walled and roofed building that is principally above ground, a manufactured home or gas or liquid storage tank that is principally above ground. The term does not include fences or public structures such as utility poles, street light fixtures and street signs.

Studio, television or *film,* means an establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

Subdivision means the division of a parcel of land into two or more lots, or other divisions of land; said term shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land or territory subdivided.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement.

(1) The term "substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term "substantial improvement" includes structures that have incurred substantial damage, regardless of the actual repair work performed.

(2) The term "substantial improvement" does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the community development department director and that are the minimum necessary to assure safe living conditions; or

b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Tobacco or Vapor Lounge is an establishment where the primary use is the on-site consumption of tobacco, vaporized liquids, or other legally permitted smoking or vaping products (except for marijuana products), with or without the retail sale of such products for on-site consumption. Tobacco, Hookah, or Vapor Lounges may provide indoor seating areas or social environments for patrons and may offer packaged beverages or prepackaged snacks as accessory uses. The on-premises consumption of alcoholic beverages is permitted only if the establishment also holds any required alcoholic beverage license. This use is distinct from Tobacco, Vapor, and Nicotine Retail Establishments, which are retail-focused and do not permit on-premises consumption.

Tobacco, Vapor, and Nicotine Retail Establishment is a retail establishment whose principal business is the sale of tobacco products, vaping products, e-cigarettes, nicotine delivery devices, or accessories. This use is subject to distance separation requirements from schools, public facilities, and youth-serving uses.

Townhouse means a building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

Trailer means and includes a separate vehicle not driven or propelled by its own power, drawn by some independent power. For purposes of these regulations, the term "trailer" shall not include mobile, manufactured or modular homes.

Transit facility means a facility used or intended to be used as an area for loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations and passenger related mass transit facilities.

Use means the specific purpose for which land or a building is used.

Utility, major, means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term "utility, major," shall not be construed to include corporate or general offices, gas or oil processing, manufacturing facilities, postal facilities or other uses defined in this section.

Utility, minor, means services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

Vacant site means a site on which there are no buildings or structures or a site on which there are only accessory buildings or paved surfaces.

Variance means an appeal from the provisions of these regulations granted by the board of zoning adjustment, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations. Variances shall apply to the location, construction or alteration of buildings or structures, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done but shall not permit any use not permitted in the zoning district.

Vehicle repair, general, means an establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle repair, limited, means an establishment providing vehicle repair and maintenance services such as brake, muffler, exhaust systems, automotive glass, wheel alignment, tire sales and repair, engine tune up,

lubrication and other similar minor repair and maintenance services provided they are within a completely enclosed building.

Violation of floodplain-management regulations means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time as that documentation is provided.

Vision triangle means a triangular area at a street or driveway intersection in which nothing shall be erected, placed (including automobiles, trucks and other large vehicles or trailers), planted, or allowed to grow in such a manner as to materially impede vision and, therefore, the safety of vehicles and pedestrians, between the height of 30 inches and ten feet above the grades of the bottom of the curb of the intersecting streets or driveways. Such area on a corner lot shall have two sides that are measured from the center of the lot line intersection and a third side across the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. In all residentially zoned districts, the vision triangle shall have the requirement that the two sides forming the corner lot line or driveway intersection shall be a minimum distance of 30 feet from the center of the lot line intersection, and in all other zoning districts such distance shall be a minimum of 20 feet (except that there shall be no vision triangle requirements in the Town Square Overlay District).

Vocational school means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a "College or University" or "School."

Warehouse, residential storage means an enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.

Warehousing and *wholesale* means an establishment primarily engaged in the storage or sales of materials, equipment, or products or sales to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but excluding residential storage warehouses and sales of good to the general public.

Yard means a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front, means a yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

Yard, rear, means a yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the least distance between the rear lot line and the rear building line.

Yard, side, means a yard between the side building line and the side lot line and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.

(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; Ord. No. 5640-20, §§ 1, 2(Exh. A), 2-18-2020; Ord. No. 5708-22, § 1, 10-18-2022; Ord. No. 5714-22, § 2(Exh. A), 12-6-2022)

EXHIBIT 2

Sec. 50-14. Permitted accessory uses.

Purpose of This Exhibit

This exhibit contains proposed amendments to Section 50-14 of the Raytown Zoning Code related to permitted accessory uses and accessory structures.

The proposed amendment includes clarification and refinement of standards applicable to accessory uses and accessory structures; revisions to ensure consistency between accessory use provisions and base zoning district regulations; and formatting updates to improve clarity, administration, and enforcement of accessory use standards.

The intent of this amendment is to provide clearer guidance regarding the establishment, location, and regulation of accessory uses and structures while maintaining compatibility with principal uses and surrounding properties.

How to Read This Document

To assist the reader in identifying proposed changes, the following formatting conventions are used throughout this exhibit:

- **Underlined red text** indicates provisions that are proposed to be **added**.
- ~~**Strikethrough red text**~~ indicates provisions that are proposed to be **removed**.
- Text shown in standard black font without formatting is existing code language that is **not proposed to change**.

Sec. 50-14. Permitted accessory uses and structures.

[a] ~~Any structure, vehicle or device may be allowed as an accessory use or structure if it meets the definition of accessory use or building contained in these regulations. Such uses may include, but are not limited to, the following:~~ **General.** Accessory uses and accessory structures are permitted in any zoning district where a principal use is lawfully established, provided such uses and structures meet the definitions of *accessory use* and *accessory structure* contained in these regulations and comply with all applicable standards of this Code. Accessory uses and structures shall be clearly incidental and subordinate to the principal use and located on the same lot. Accessory uses and structures shall not be established prior to the principal use or structure unless expressly authorized by this Code.

Other accessory uses not specifically listed may be approved by the Director of Community Development upon a determination that such use is customary, incidental, and subordinate to a permitted principal use and consistent with the intent of this Code.

[b] **Residential Districts – Accessory Buildings and Structures.** On ~~all~~ property zoned residential, ~~all~~ accessory buildings and structures shall comply with the following ~~regulations~~ standards ~~unless a conditional use permit has been issued for the accessory building, pursuant to section 50-445 of these zoning regulations~~:

(1) **Timing of Construction.** ~~An accessory building shall not be constructed on a lot until the principle structure has been constructed.~~ No accessory structure shall be constructed on a lot prior to the construction or lawful establishment of the principal structure.

(2) **Number of ~~a~~Accessory ~~b~~Buildings**. ~~allowed:~~ No more than two (2) accessory buildings shall be ~~located~~ permitted on ~~a~~ any lot.

(3) ~~Size of accessory buildings allowed:~~ **Maximum Floor Area.** ~~No~~ ~~a~~Accessory buildings shall ~~cover~~ not ~~a land area~~ exceed~~ing~~ ~~720 square feet and a second accessory building shall not cover a land area exceeding 120 square feet.~~ the following maximum ground floor areas:

i. One (1) accessory building may be up to (720) square feet in area.

ii. A second accessory building shall not exceed (120) square feet in area.

(4) **Maximum ~~h~~Height**. ~~of accessory buildings:~~

~~a.~~ i. ~~An accessory building covering a land area of 720 square feet or less shall not have a height greater than the principle building on the property or 15 feet, whichever is less.~~ **Buildings 120 square feet or less:** Maximum height of eight (8) feet.

~~b.~~ ii. ~~An accessory building covering a land area of 120 square feet or less shall not exceed eight feet in height.~~ **Buildings greater than 120 square feet:** Maximum height shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

(5) **Exterior Materials.** ~~Allowed:~~

a. **Accessory buildings greater than 120 square feet.** ~~The exterior materials of an accessory building covering more than 120 square feet of land area shall be the same as the exterior materials on the principle building. Alternative exterior materials may be approved by the director of community development if such materials are durable, similar to the exterior materials on the principle building, and of a type commonly used in residential construction in Raytown.~~ Exterior materials shall be the same as, or visually compatible with, the exterior materials of the principal building. Alternative materials may be approved by the Community Development Director or their designee upon a determination that the materials are durable, of similar appearance and quality, and commonly used in residential construction within the City.

b. **Accessory buildings 120 square feet or less.** ~~The exterior on an accessory building that is 120 square feet or less shall consist of one of the following materials:~~ Exterior materials may include:

~~1.~~i. Prefabricated metal shed kit;

~~2.~~ii. Wood siding;

~~3.~~iii. Cement fiber siding;

~~4.~~iv. Clear fiberglass siding commonly used for greenhouses;

~~5.~~v. ~~Other exterior materials approved by the director of community development if such materials are durable, similar to the exterior materials on the principle building, and of a type commonly used in residential construction in Raytown.~~ Other durable materials approved by the Community Development Director or their designee that are similar in appearance and quality to materials commonly used in residential construction in the City.

(6) **Setbacks and Placement.**~~Accessory buildings shall comply with all other applicable regulations and codes of the City of Raytown.~~ Accessory structures shall comply with the accessory structure setback requirements of the applicable zoning district and shall not be located within any easement unless expressly permitted by the City Engineer and/or Community Development Director or their designee.

(7) **Use Limitations.** Accessory structures shall not:

a. Be used for dwelling or sleeping purposes unless specifically permitted by this Code;

b. Contain full kitchen facilities unless expressly permitted by this Code; and

c. Be occupied or operated as an independent principal use.

(8) **Permit Requirements.** A zoning and building permit shall be required for the construction or placement of any accessory structure greater than (200) square feet in floor area, unless otherwise exempted by the building code. Accessory buildings or structures (200) square feet or less may be exempt from building permit requirements but shall comply with all applicable zoning regulations.

(9) **Compliance with Other Codes.** All accessory uses and structures shall comply with all other applicable City codes and regulations, including building, fire, and property maintenance codes.

[c] **Residential Districts – Accessory Use Operational Standards.** ~~On all property zoned residential, all a~~Accessory uses in residential districts shall comply with the following regulations:

(1) **Recreational Vehicles and Equipment Storage.** ~~Storage of recreational equipment and vehicles such as boats, camping trailers or motor homes is permitted, provided that they shall not be utilized for living purposes, except for the convenience of temporary lodging only for a period of two weeks each year and, when stored on a residential lot as personal property of the occupant, shall not be located within the right-of-way of any dedicated street or less than five feet from any property line, as long as such storage is on a paved surface.~~ Outdoor storage of recreational vehicles and equipment owned or leased by the occupant is permitted, including boats, camping trailers, travel trailers, and motor homes, subject to the following:

a. Such vehicles and equipment shall not be used for dwelling or sleeping purposes, except for temporary lodging for a period not to exceed (14) cumulative days per calendar year.

b. Stored vehicles and equipment shall not be located within any public right-of-way.

c. Stored vehicles and equipment shall be located at least (5) feet away from any property line.

d. Storage shall occur only on a paved or otherwise approved all-weather surface.

e. This provision shall not be interpreted to allow commercial vehicle storage unless otherwise permitted by Code.

(2) **Guest Accommodations.** Guest rooms or guest houses located within a permitted accessory building are allowed, provided that: ~~houses (without kitchen facilities) or rooms for guests in a permitted~~

~~accessory building, provided that such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.~~

a. No full kitchen facilities are provided;

b. The space is used only for occasional, non-compensated lodging of guests of the occupants of the principal dwelling;

c. The space shall not be leased or rented and shall not be used for permanent or long-term occupancy;

d. The use shall not function as a separate dwelling unit.

(3) **Outdoor Storage.** Outdoor storage ~~shall not be permitted as an accessory use, except as specifically permitted in the district regulations.~~ as a principal or accessory use is prohibited in residential districts, except where expressly permitted by this Code. This restriction shall not be interpreted to prohibit:

a. Customary residential yard items.

b. Recreational equipment stored in compliance with **Sec. 50-14.c.1.**

c. Refuse and recycling containers.

d. Garden and lawn equipment in active use.

e. Temporary construction materials during an active permitted project.

f. Other accessory uses customarily incidental to residential occupancy.

[d] **Residential Accessory Structures (Non-Building) Standards.** ~~On all property zoned residential, all accessory structures other than accessory buildings shall comply with the following regulations unless approved as part of a planned zoning overlay district or a conditional use permit has been issued for the accessory structure, pursuant to section 50-445 of these zoning regulations:~~

~~(1) Statuary, arbors, trellises, barbecue stoves, flagpoles, fences and walls constructed in accordance with these zoning regulations, bathhouses and swimming pools that are enclosed by a security-type fence as approved by the community development director, regardless of whether the pool is above or below ground.~~

~~(2) Pens, kennels, or other enclosures used for the keeping of animals are permitted, subject to the following conditions:~~

~~a. No pen, kennel or other enclosure for the housing of dogs or cats shall be kept or maintained within 15 feet of the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the dogs or cats, or within ten feet of any property line.~~

~~b. No chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals, except dogs and cats, shall be kept or maintained closer than 100 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or within 25 feet of any property line.~~

~~c. No pen, kennel or other enclosure used for the keeping of animals shall exceed 216 square feet.~~

(1) Accessory structures that are not buildings are permitted subject to applicable setbacks, height limits, design standards, and safety regulations, including:

a. Statuary and decorative features.

b. Arbors, trellises, pergolas, and gazebos.

c. Barbecue and outdoor cooking structures.

d. Flagpoles.

e. Fences and walls.

f. Play equipment and playground structures.

g. Swimming pools, spas, and hot tubs.

h. Bathhouses and incidental pool equipment structures.

i. Sport and recreation courts.

(2) Swimming pools are subject to performance standards found in residential zoning districts use regulations.

[e] **Animal Enclosures.** Accessory structures used for the keeping, sheltering, or confinement of animals customarily permitted in residential districts — including kennels, pens, coops, hutches, runs, lofts, and similar enclosures — shall be permitted only when clearly incidental and subordinate to the principal residential use and shall comply with the standards of this subsection, in addition to all applicable animal control and nuisance regulations of the City.

For purposes of this subsection, required separation distances shall be measured from the nearest exterior point of the animal enclosure structure to the nearest exterior wall of the referenced building or to the nearest property line, as applicable.

(1) **Enclosures for Dogs and Cats.** Enclosures used for the keeping or housing of dogs or cats, including kennels, and runs, shall comply with the following location standards:

a. No such enclosure shall be located within (15) feet of any portion of a building occupied by or used for human habitation, except for the dwelling unit occupied by the owner or keeper of the animals.

b. No such enclosure shall be located within ten (10) feet of any property line.

c. These standards apply to both covered and uncovered enclosures intended for repeated or ongoing animal confinement.

(2) **Enclosures for Fowel and Small Animals other Than Dogs or Cats.** Enclosures used for the keeping or housing of fowl or small animals — including but not limited to chickens, ducks, doves, pigeons, rabbits, and similar animals permitted by City code — shall comply with the following:

a. No such enclosure shall be located within one hundred (100) feet of any portion of a building occupied by or used for human habitation, except for the dwelling unit occupied by the owner or keeper of the animals.

b. No such enclosure shall be located within twenty-five (25) feet of any property line.

c. This standard applies to coops, dovecotes, hutches, lofts, and similar structures whether permanent or movable, where such structures are regularly used to house animals.

(3) **Maximum Size of Enclosures.** No individual animal enclosure structure shall exceed (216) square feet in ground floor area. Multiple smaller enclosures shall not be arranged or constructed in a manner that effectively creates a larger unified enclosure exceeding this limit.

(4) **Sanitation and Nuisance Prevention.** All animal enclosures shall be maintained in a clean and sanitary condition and shall be operated in a manner that does not create a public nuisance, including but not limited to excessive odor, noise, pest attraction, or waste accumulation. Failure to maintain sanitary conditions shall constitute a violation of this code.

(5) **Other Applicable Regulations.** Nothing in this subsection shall be interpreted to authorize:

a. The keeping of animals not otherwise permitted by City code;

b. Commercial boarding or breeding operations or;

c. Animal keeping that violations animal control, health, or nuisance regulations.

Animal enclosures shall remain subject to all applicable City codes and enforcement provisions.

EXHIBIT 3

Sec. 50-22. Permitted temporary uses.

Purpose of This Exhibit

This exhibit contains proposed amendments to Chapter 50 of the Raytown Zoning Code related to permitted temporary uses. This amendment creates a new section, Section 50-22. Permitted temporary uses.

The proposed amendment includes reorganization and clarification of permitted temporary use categories; consolidation of existing temporary use provisions for improved administration; establishment or refinement of time limitations and operational standards applicable to temporary uses; and clarification regarding fireworks stands, which are permitted as temporary uses but are additionally regulated pursuant to Chapter 20, Article II of the City Code and by the Fire Code Official.

The intent of this amendment is to improve clarity, ensure consistency across districts, and provide more predictable standards for applicants and staff when reviewing temporary use requests.

How to Read This Document

To assist the reader in identifying proposed changes, the following formatting conventions are used throughout this exhibit:

- **Underlined red text** indicates provisions that are proposed to be **added**.
- ~~**Strikethrough red text**~~ indicates provisions that are proposed to be **removed**.
- Text shown in standard black font without formatting is existing code language that is **not proposed to change**.

Section 50-22. Permitted Temporary Uses.

(a) **Purpose**: Temporary uses are intended to allow short-term activities that serve community needs, seasonal demand, or special events, while ensuring compatibility with surrounding land uses and protecting the public health, safety, and welfare.

(b) **Applicability**: The following temporary uses are permitted in all zoning districts unless specifically restricted to specific districts. All temporary uses shall comply with the standards and time limits of this section and with all other applicable regulations of the zoning district in which the use is located.

Temporary uses shall not be considered permanent uses of land and shall not establish vested rights.

(c) **Permitted Temporary Uses**:
The following temporary uses are permitted by right or with administrative approval, as noted:

1. **Carnivals and Circuses**
   Carnivals, circuses, and similar temporary amusement uses may be approved by the Director of Community Development or designee, subject to reasonable conditions to protect public safety and minimize impacts on surrounding properties.

   a. Such uses are not required to comply with bulk or lot-size requirements;
   b. Structures, rides, tents, or equipment that may obstruct the vision of motorists shall not be located within **30 feet** of the intersection of the curb lines of any two streets; and
   c. The duration and operating conditions shall be specified as part of the administrative approval.

2. **Christmas Tree Sales**
   Seasonal Christmas tree sales are permitted in **business and industrial zoning districts** for a period not to exceed **45 consecutive days**.

   a. Temporary displays are not required to comply with yard or setback requirements;
   b. No trees or related structures shall be placed in a manner that obstructs the vision of traffic within **30 feet** of the intersection of the curb lines of any two streets; and
   c. All temporary structures and unsold materials shall be removed upon expiration of the approved period.

3. **Garage, Yard, and Rummage Sales**
   Garage sales, yard sales, and rummage sales conducted as accessory residential activities are permitted subject to the following limitations:

   a. Such sales shall not exceed **five (5) consecutive days** per occurrence; and
   b. No more than **four (4) occurrences per calendar year** shall be permitted per property.

4. **Fireworks Stands**
   Temporary fireworks stands are a permitted temporary use within the City of Raytown, subject to the following:

   a. Fireworks stands shall be regulated in accordance with Chapter 20, Article II of the Raytown Municipal Code, and all other applicable ordinances;
   b. Review, permitting, location approval, operational standards, and enforcement shall be administered by the Fire Code Official;
   c. Compliance with Ordinance does not relieve any fireworks stand from meeting applicable fire, safety, and operational requirements; and
   d. In the event of a conflict between this Ordinance and Chapter 20, Article II, the provisions of Chapter 20, Article II shall control.

5. **Construction-Related Temporary Uses**
   Temporary construction trailers, offices, material storage areas, and equipment staging areas associated with an active, permitted construction project. Such uses may remain for the duration of the construction permit.

6. **Temporary Events and Community Activities**
   Festivals, fairs, farmers markets, block parties, charitable events, and similar civic, cultural, or community activities may be approved by the Director of Community Development or designee, subject to reasonable conditions to protect public safety and minimize impacts on surrounding properties.

7. **Temporary Outdoor Sales and Promotional Events**
   Temporary outdoor sales, sidewalk sales, or promotional activities conducted by a lawfully established business on the same site, provided such activities are accessory to the principal use are permitted.

8. **Temporary Uses on Vacant or Underutilized Property**
   Short-term interim uses intended to activate vacant or underutilized sites, including pop-up retail, temporary art installations, outdoor seating areas, or similar low-impact uses, provided the use is compatible with surrounding development are permitted.

9. **Temporary Parking Areas**
   Temporary parking areas established to serve an approved temporary use or special event.

10. **Emergency and Public Safety Uses**
    Temporary shelters, emergency command centers, or public safety facilities established in response to natural disasters, emergencies, or declared states of emergency.

11. **Temporary Signs and Structures**
    Temporary signs, tents, canopies, and similar structures associated with an approved temporary use, subject to applicable sign, building, fire, and safety regulations.

(d) **General Standards**: All permitted temporary uses shall comply with the following standards unless otherwise stated:

1. Temporary uses shall not create excessive noise, traffic congestion, glare, dust, or other conditions detrimental to surrounding properties;
2. Adequate access, parking, and pedestrian safety shall be provided;
3. Temporary structures shall comply with applicable building, fire, and safety codes;
4. All temporary structures, equipment, and materials shall be removed promptly upon expiration of the approved time period; and
5. The site shall be restored to its original condition, reasonable wear excepted.

(e) **Administrative Authority**: The Director of Community Development or designee is authorized to administer and enforce this section and may impose reasonable conditions necessary to ensure compliance with this Ordinance and to protect the public health, safety, and welfare.

EXHIBIT 4

Section 50-107(a) & (b). Land use table.

Purpose of This Exhibit

This document contains proposed amendments to Section 50-107(a) and (b). The exhibit is intended to clearly identify modifications to permitted, conditional, and prohibited uses within the zoning districts; incorporate new and existing land uses into the Land Use Table; and revise applicable use conditions and regulatory notes associated with the identified land uses.

How to Read This Document

To assist the reader in identifying proposed changes, the following formatting conventions are used throughout this exhibit:

- **Underlined red text** indicates provisions that are proposed to be **added**.
- ~~**Strikethrough red text**~~ indicates provisions that are proposed to be **removed**.
- Text shown in standard black font without formatting is existing code language that is **not proposed to change**.

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 number 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.

	ZONING DISTRICTS															
	Residential Districts				Nonresidential Districts				Overlay Districts							
USES	R-1	R-2	R-3	MH	NC	HC	M	N	TS	FP	HO	P	CD	HP	AE	Conditions
~~Accessory uses~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~		~~P~~	~~P~~			~~P~~	~~(6), (11), (27)~~
Adult Book Store												P			P	(15)
Adult day care	C	C	C		P				P			P			P	(12)
Adult Entertainment Establishment												P			P	(15)
Adult Mini-Motion Picture Theater												P			P	(15),(29)
Adult Motion Picture Theater												P			P	(15)
Agriculture	P	P	P	P	P	P	P	P	P	P		P				

Airports and aviation fields including helicopter pads							C									(11),(29)
~~Amusement Parks~~					~~C~~		~~C~~									
Animal Care, General					C	P	P		P							(13)
Animal Care, Limited					C	P	P		P			P				(13)
Animal Hospital or Clinic					P	P	C		P							
~~Arenas~~					~~C~~		~~C~~									~~(29)~~
Art Galleries					P	P			P			P				(5),(29)
Artisan Production					P	P	P		P			P				
Assembly, Large					C	P	P		C							(29)
Assembly, Small					P	P	P		P							(29)
~~Assembly rooms~~					~~C~~		~~C~~									~~(29)~~
~~Athletic fields~~					~~C~~		~~C~~									
~~Auction facilities~~					~~C~~		~~C~~									~~(29)~~
Auditorium or Stadium							P		~~P~~			P				(13),(29)
~~Bakery, Retail~~					~~P~~	~~P~~			~~P~~							~~(10), (11)~~
Bar					P	P	P		P			P				
Bed and breakfast homes with or without a related tearoom	C	C	C													
~~Boat sales~~						~~C~~	~~C~~									
Brewpub					P	P	P		P			P				
~~Camps~~								~~P~~	~~P~~			~~P~~				
Car wash					C	C	C					P				(13)
Cemeteries, crematories and mausoleums	C	C	C	C	C	C	C	C								
Churches, chapels, mosques, synagogues, temples and other places of religious assembly	P	P	P	P	P	P	P		P			P			P	(3), (10), (11),(29)
College or University							P		P			P				(13),(29)

~~Commercial and retail uses that are not permitted by district regulations~~					~~C~~	~~C~~	~~C~~	~~C~~								
Commercial School, General					C	P	P		C							
Commercial School, Intensive							P									(31)
Commercial School, Limited					P	P	C		P							
Communications towers	C	C	C	C	C	C	C	C	C							(16)
Condominium dwelling containing more than two household condominium dwellings			C									P	P			(17)
Construction Sales and Service							P		~~P~~			P				(13), (26)
Convenience Store~~s~~					P	P	P		P			P				(13),(26)
Craft Brewery					C	P	P		~~P~~							(29)
Cultural Service							P		P			P				(13)
~~Dance halls, discotheques, and n~~Night club					C	C			C							(29)
Day care center					P				P			P				(12), (29)
~~Dormitories and fraternity or sorority houses~~		~~C~~	~~C~~													~~(29)~~
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)~~
Electric Vehicle Charging Facility, Public or Private					P	P	C		C		P					
~~Equipment Sales~~						~~C~~	~~P~~					~~P~~				
Event Venue					C	P	P		C							
~~Exhibit hall~~					~~C~~		~~C~~									~~(29)~~

Financial institutions					P	P										
Food/Bakery Product Manufacturing							P		~~P~~			P				
~~Fortunetellers, palm readers, psychics, tarot card readers and similar uses~~						~~C~~										
Foster homes	P	P	P						P			P				
~~Fraternal club, service club, private club and/or tavern~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~								~~(29)~~
Golf courses	P	P	P				P		P			P			P	(4), (13)
Golf-driving, commercial or illuminated						C										
Government Uses, including but not limited to police station, fire station, emergency medical services	C	C	C	C	P	C	P		P			P			P	(13)
Group day care home					P				P			P			P	(12)
Group home	C	C	C													
Group Living, Large	C	C	P		P				P			P				(9)
Group Living, Small	P	P	P						P		P	P				(2)
Home-Based Work	P	P	P	P	P	P	P		P		P	P	P	P		(7)
Hospital						P	P		P			P			P	(11), (13),(29)
Hotel or motel					C	P	P		P			P			P	(11), (13)
Indoor Training and Simulation Facility					C	P	P		P			P				
Junk yards or salvage yards							C									(18)
Kennels						C	C									(19)
Laundry					P	P			P			P			P	(11)
Laundry Service					P		P		P			P				(13)
Liquor Sales, Package					P	P										(25)

Manufactured without a permanent foundation				P								P				(13)
Manufacturing and Assembly							P		P			P				(13)
Marijuana Dispensary Facility					C	P			C							Sec 50-583; Sec 50-584
Marijuana Cultivation Facility							P									Sec. 50-585
Marijuana Supply Chain Facility							P									Sec. 50-585
Marijuana Testing Facility							P									Sec. 50-585
Marijuana Transportation Facility							P									Sec. 50-585
Marijuana-Infused Products Manufacturing Facility							P									Sec. 50-585
Marijuana Microbusiness Wholesale Facility							P									Sec. 50-585
Marijuana Microbusiness Dispensary					C	P			C							Sec 50-583; Sec 50-584
Marijuana Consumption Lounge					C	P			C							Sec 50-588
Mobile Homes				P					~~P~~			~~P~~				
Modular home	P	P	P	P												

Mortuaries					P	P			P			P			P	(11)
Motorcycle sales and service						P			~~P~~			P			P	(11)
Motor Vehicle Fueling Station					C	P	P									
~~Multi-household buildings~~			~~P~~						~~P~~			~~P~~	~~P~~			
~~Multi-household dwellings (i.e., communes)~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~									
Museums	C	C	C		P				P			P				(29)
~~Nursery or Garden Center~~						~~P~~			~~P~~			~~P~~			~~P~~	~~(11)~~
Personal Instruction, Limited					P	P	C		P							
Personal Instruction, General					P	P	P		P							
Professional Office~~s~~					P	P			P			P			P	(11)
~~Outdoor Gun Clubs~~ Shooting Range						C										
~~Outdoor storage uses~~						~~C~~	~~C~~									
Parking Lot, Commercial							P		~~P~~			P				(13)
Parks and Recreation - Public	P	P	P	P	P	P	P	P	P			P				(13)
Penal, reformatory or other correctional uses				~~C~~		C										(29)
Personal Care					P	P	C		P			P				
~~Pharmacy~~					~~P~~	~~P~~			~~P~~			~~P~~			~~P~~	~~(11)~~
Pitch and putt or Miniature golf courses						C	C		P			P				
Pre-schools, nursery schools, children's day care or facilities of five persons but not more than ten persons	C	C	C													(29)
Printing and Publishing					P	P	P		P			P				(13)
~~Private swimming pools~~	~~P~~	~~P~~	~~P~~						~~P~~			~~P~~				~~(6)~~

Public and private resource recycling centers not involving any hazardous or toxic waste						C	C									
Race Tracks							C									(29)
Recreation and Entertainment, Indoor					P	P	P		P			P				(13),(29)
Recreation and Entertainment, Outdoor					C	P	P		P			P				(13),(29)
~~Repair Service~~					~~P~~		~~P~~		~~P~~			~~P~~				~~(13)~~
Research Service							P		P			P				(13)
Residential care facility	C	C	P		P				P			P			P	(9)
Residential or outpatient facilities for the treatment of alcohol or drug abuse	C	C	C	C	C	C	C	C								
Restaurants					P	P			P			P			P	(11),(29)
Retail ~~store or shop~~ & Service, General					P	P	C		P			P			P	(11),(29)
Retail & Service, Heavy					C	P	P					P				(11),(29)
Riding stable (private)					C		C									(20)
Riding stable and academy (public)					C		C									(21)
Schools, private or parochial and non-profit	C	C	C	C	C	C	C	C								(29)
~~Service stations~~					~~C~~	~~C~~										
Single-household dwellings	P	P	P						P		P	P				(1)
Studio, Television or Film							P		P			P				(14)
~~Swimming pools, public or commercial~~					~~C~~											~~(29)~~
Tattoo parlors and body-piercing businesses					C	C										
~~Temporary Uses~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(22)~~

Tobacco or Vapor Lounge					C	P			C							
Tobacco, ~~or Vape/E-cigarette Product Sales~~ Vapor, and Nicotine Retail Establishment					~~P~~ C	P										(24)
Transit Facility							P		P			P				(14)
Two-household condominium dwellings		P	P						P			P				(9), (15)
Two-household dwellings		P	P						P			P				(9), (15)
Utility, Major	C	C	C	C			C			C	C	C	C		C	(30)
Utility, Minor							P		P			P				(14)
Vehicle and Equipment Rental					C	C	C									
Vehicle Sales, New or Used						C	C					P				(28)
Vehicle Repair, General						C	P									
Vehicle Repair, Limited						C	P		~~P~~			P				(14)
Vehicle/Equipment Storage Yard						~~C~~	C									
Veterinary and small animal hospitals with outdoor containment						C	P									
~~Vocational School~~							~~P~~		~~P~~			~~P~~				~~(14),(29)~~
Warehouse, residential storage							P									
Warehousing and Wholesale							P		~~P~~			P				(14),(29)
Water towers	C	C	C	C	C	C	C	C								

(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~~. Reserved.

(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.~~ Reserved.

(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 department or some other duly qualified individual.~~ Reserved.

(7) Home-based business restrictions and limitations. This category includes no-impact home-based businesses and home-based work, each with its own standards as noted below:

a. *Home-based work.*

1. Shall only be engaged in the sale of lawful goods and services, compliant with Missouri State Statute (RSMo) sections 71.990 and 89.500.

2. The activities of the business take place primarily or entirely outside the residential dwelling and its associated yard area.

3. This use category includes, but is not limited to, contractors (plumbers, electricians, painters, HVAC technicians, and other similar construction businesses), event planners, door to door salesmen, caterers, independent operators (includes tractor units and tow trucks but does not confer the right to operate vehicle storage lots or tow lots at the residential dwelling address and its associated yard area), health care professionals (visiting nurses and aides), wholesalers and distributors.

4. Any vehicles related to the business such as tow trucks, box trucks, large vans, and semi-tractor units, do not exceed both the number permitted or the maximum gross vehicle weight rating limit in residential areas.

5. Business licenses and use permits shall be required for all businesses in this category. No determination of impact is required as these businesses are not primarily conducted at the place of residence.

b. *No-impact home-based businesses.*

1. Shall only be engaged in the sale of lawful goods and services, compliant with Missouri State Statute (RSMo) sections 71.990 and 89.500.

2. No-impact home-based businesses, primarily occurring at the place of residence as defined in section 50-4 of this chapter, are permitted to operate within the city limits of Raytown.

3. For the city to determine that the home-based business is a no-impact home-based business, the city requires the property owner or tenant to submit the information set forth in chapter 10, article XVIII, home-based businesses. Upon review of the information, the city may issue a no-impact home-based business certificate if it is determined that the home-based business is a no-impact home-based business.

4. A no-impact home-based business must be incidental and subordinate to the principal residential use of the premises. This provision shall not be interpreted as allowing an accessory building, accepted by the usual permitting process for any residential accessory building.

5. The owner or operator of a no-impact home-based business must be an owner or tenant of the residence and must reside at the residence.

6. The owner or operator of an no-impact home-based business may employ others to work in the home-based business. The owner or operator of the no-impact home-based business may employee others to work in the home-based business but total occupancy cannot exceed occupancy limit of the dwelling unit.

7. The no-impact home-based business may be partially conducted in a legally existing detached accessory building.

8. No impact home day care and adult day care businesses shall follow all provisions in this section in addition to the following:

   (a) Have a valid, current, license from the appropriate State of Missouri permitting agency for such type of facility that establishes the maximum number of persons under care at one time, not to exceed the occupancy rating of the dwelling unit.

   (b) Accessory buildings may not be used as care facilities for day care or adult care businesses.

   (c) Sufficient off-street parking spaces shall be provided to accommodate the total number of employees that provide the care.

9. Outdoor storage of materials or equipment used in a no-impact home-based business shall not be permitted anywhere on the property.

10. Alterations to the exterior of the principal residential building shall not be made which will change the character of the residence.

11. One unlighted wall sign, no larger than eight square feet and mounted directly to the front façade of the dwelling near the principal entryway shall be permitted for a no-impact home-based business. Multiple such businesses do not earn an extra sign beyond the first one. Signs shall be properly maintained at all times.

12. The owner or operator must provide adequate parking for the no-impact home-based business. Parking for the no-impact home-based business may include the entire driveway or garage of the residence or a paved parking area located behind the front plane of the residence. Adequate parking may also include parking on the street, if on street parking is permitted at this location, between the lot lines of, and on the same side of the street as, the no-impact home-based business. Blocking access to mailboxes, fire hydrants, and driveway entrances is not permitted. If the owner, operator, and/or family members of the owner or operator, employees, clients, or customers routinely park in other locations on the street(s) adjoining the residence, the business shall not be considered a no-impact home-based business. For the purposes of this section, the term 'routinely' shall mean more than twice in any given seven-day period.

c. *Home-based businesses that fail to qualify as no-impact home-based businesses.*

1. Any home-based business that fails to qualify as a no-impact home-based business under the provisions of subsection "b." shall be deemed to have a substantial impact that exceeds reasonable limits for residential areas. Any such non-qualifying use of property would therefore be subject to full compliance with the land use table in section 50-107 of this Chapter.

2. The property owner or tenant of a residential dwelling that has had a home-based business fail to qualify as a no-impact home-based business, may file an appeal with the board of zoning adjustment within 30 days challenging the city's determination of impact.

(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 department. 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.~~ Reserved.

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

(24) The following additional criteria shall apply to all businesses classified by Municipal Code section 10-573 as tobacco or vaping/e-cigarette sales stores:

a. Such uses shall not locate within:

1. 2,600 feet of any other property on which another smoke and tobacco or vaping (e-cigarette) store is located;

2. 100 feet of any property legally used as a public park, school, or church.

3. 150 feet from a residential zone.

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

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

(25) The following additional criteria shall apply to all businesses classified by Municipal Code section 4-109 or 4-110 as full original package or malt liquor original package liquor stores:

a. Such uses shall not locate within:

1. Highway Commercial zone: 1,000 feet of any other property on which another package liquor store is located;

2. Neighborhood Commercial zone: 2,600 feet of any other property on which another package liquor store is located;

3. 100 feet of any property legally used as a public park, school, or church.

4. 150 feet from a residential zone.

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

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

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

(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 current physical location prior to the effective date of the ordinance from which this article is derived.

d. Any existing business licensed under this category that has had a change of ownership occur, resulting in the owner of record no longer controlling a majority of the interest in the business, shall be deemed a new business and shall apply for a new business license in accordance with

chapter 10 of the Raytown Municipal Code. If the previous owner's business license expired more than six months prior to the new owner filing a business license application to take over control of the business, the new application to change ownership shall not be approved unless all of the requirements of this use table condition can be met, and a conditional use permit has been issued. This shall also apply if the physical use of a specific location for vehicle sales has ceased for a period of six months or more.

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

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

(29) Uses that commonly involve assemblies of large numbers of persons in a small area may require additional architectural analysis to ensure compliance with the adopted building and fire codes of the city. The director of community development or designated representative may determine that such documentation is required to be submitted for review prior to consideration of approval of a commercial use permit by staff or consideration of a conditional use permit by the planning commission.

(30) Utility, Major.

a. *Location.* For major utility infrastructure in a residential zone or within 200 feet of a residential zone, the applicant must address the city's preferred locations with a detailed explanation justifying why a site of higher priority was not selected.

b. *Setbacks.* The setbacks of any proposed new major utility development or expansion must conform to the setback requirements of that particular zoning and overlay district.

c. *Screening.* Adequate screening of the major utility infrastructure shall be provided by a solid or semi-solid wall, fence, or a permanent building enclosure not less than eight feet in height. Fences must be made of solid masonry, wood, vinyl, or composite fence with masonry columns. Chain link is not allowed. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel. Landscaping shall be required around the base or perimeter of the screening wall or fence. A combination of coniferous and deciduous trees and shrubs is required, and drought tolerant plant materials are encouraged. When the visual impact of the equipment compound would be minimal, the landscaping requirement may be reduced or waived by the director of community development.

d. *Lighting.* Proposed lighting may not shine outward and create a glare onto any abutting residential district or public right-of-way. A photometric plan must be included with any conditional use permit application for the approval of a major utility facility. This plan must indicate a 0.0 footcandle reading at all property lines.

31. Commercial School, Intensive.

a. Performance Measures:

1. Outdoor Activities and Equipment Yards

i. All outdoor training, maneuvering, loading, or vehicle storage areas shall be located behind the principal structure or otherwise screened from public streets and adjacent residential districts.

ii. Outdoor training or maneuvering areas shall be surfaced with an all-weather, dust-free material such as concrete or asphalt, or another material as approved by the City Engineer, Community Development Director, or their designee.

2. Noise & Hours of Operation

i. Outdoor training activities shall not exceed 100 dBA measured at the property line.

ii. Outdoor training activities shall be limited to the hours of 8 a.m. to 6 p.m. when adjacent to residential uses or residential zoning districts.

iii. Outdoor training activities shall be limited to the hours of 6 a.m. to 8 p.m. in all other zoning districts.

iv. Indoor shop activities involving engines or machinery shall occur within enclosed buildings with closed doors during operation.

3. Vehicle Circulation & Access

i. A circulation plan demonstrating adequate on-site maneuvering for training vehicles is required.

ii. Vehicles associated with training shall not queue, idle, or stage in the public right-of-way.

iii. Adequate turnaround space shall be provided so that vehicles do not back onto public streets.

4. Vehicle & Equipment Storage

i. Vehicle and equipment storage areas shall be screened from view from public streets and adjacent residential uses by solid fencing, walls, or landscaping.

ii. Storage of damaged, inoperable, or unregistered vehicles shall be prohibited unless directly associated with vocational training and screened from view.

5. Emissions and Idling

i. Vehicles or equipment used for training shall comply with state and federal idling regulations.

ii. No open storage or outdoor handling of fuels, solvents, or hazardous materials shall occur without compliance with applicable fire and environmental regulations.

6. Freight Compatibility and Drive Aisles

i. Minimum drive aisle widths shall accommodate the largest training vehicle anticipated on-site.

ii. Truck aprons shall be provided at corners where 53-foot trailers are used for training.

iii. Plans submitted with the application shall demonstrate that the largest training vehicle proposed for use on the site can safely access, maneuver within, and exit the property, including all turning movements and circulation areas.

7. Screening and Buffering

i. When adjacent to residential zoning or residential use, a minimum buffer area of 30' and sufficient landscaping, as determined by the Community Development director or their designee, shall be required.

ii. Landscape plans are required for all proposed Commercial school, intensive uses.

8. CDL Training Facilities

i. Outdoor training or maneuvering areas shall utilize an all-weather surface and provide appropriate stormwater and erosion control measures consistent with the City of Raytown's Stormwater code and Missouri Department of Natural Resources requirements for stormwater.

ii. CDL testing activities shall require separate approval from the appropriate body if the site is to be authorized by the Missouri State Highway Patrol as an Official CDL Test Site.

(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; Ord. No. 5637-20, § 2(Exh. A, B), 2-4-2020; Ord. No. 5640-20, (Exh. B), 2-18-2020; Ord. No. 5649-20, §§ 1, 2(Exh. A, B), 9-15-2020; Ord. No. 5708-22, § 1, 10-18-2022; Ord. No. 5714-22, § 2(Exhs. A, B), 12-6-2022; Ord. No. 5762-24, § 2(Exh. A), 6-18-2024)

EXHIBIT 5

Article XII. Marijuana, Medical, and Adult Use

Purpose of This Exhibit

This exhibit contains proposed amendments to Article XII to establish and regulate Marijuana Consumption Lounge as a defined land use. The proposed amendment includes the creation of a formal land use definition for a Marijuana Consumption lounge; identification of zoning districts in which the use is permitted, conditional, or prohibited; and the establishment of applicable standards and use specific regulations.

The intent of this amendment is to clarify how this land use is categorized and administered under the zoning code and to ensure consistency between definitions, permissions, and use standards.

How to Read This Document

To assist the reader in identifying proposed changes, the following formatting conventions are used throughout this exhibit:

- **Underlined red text** indicates provisions that are proposed to be **added**.
- ~~**Strikethrough red text**~~ indicates provisions that are proposed to be **removed**.
- Text shown in standard black font without formatting is existing code language that is **not proposed to change**.

ARTICLE XII. MARIJUANA, MEDICAL, AND ADULT USE[1]

Sec. 50-580. Definitions.

Church means a permanent building primarily and regularly used as a place of worship.

Consumer means a person who is at least 21 years of age per 19 CSR 100. This term shall also be considered to be interchangeable with the terms "recreational use", "recreational consumer" and "adult use" as used in this article.

Daycare means a child-care facility, as defined by Section 210.201, RSMo, that is licensed by the State of Missouri.

Elementary or *secondary school* means any public school as defined by Section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

Enclosed, locked facility means: (A) An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or (B) An outdoor stationary structure: 1. That is enclosed on all sides, except at the base, by wooden slats, or a similar material that is anchored, attached, or affixed to the ground and that cannot be accessed from the top; 2. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level; and 3. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.

Marijuana or *marihuana* means cannabis indica, cannabis sativa, and cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. Marijuana, or marihuana, does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp, including non-psychoactive Cannabidiol (CBD) Oil extracted from hemp seeds, including non-psychoactive Cannabidiol (CBD) Oil extracted from hemp seeds.

Marijuana-infused products means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

Marijuana Consumption Lounge is a commercial business conducted entirely within an enclosed building that operates in a manner similar to a private club or nightclub and provides a designated indoor environment for on-site consumption of marijuana or marijuana-infused products. Such use is typically membership-based or limited to registered patrons and is centered on social consumption occurring on the premises and does not include retail sales of marijuana on-site.

Marijuana cultivation facility means a facility licensed by the Missouri Department of Health and Senior Services to acquire, cultivate, process, store, transport, and sell marijuana to a dispensary facility, marijuana testing facility, warehouse, or to a marijuana-infused products manufacturing facility.

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[1]Ord. No. 5729, § 2(Exh. A), adopted July 11, 2023, amended Article XII in its entirety to read as herein set out. Former Article XII, §§ 50-580—50-587, pertained to medical marijuana, and derived from Ord. No. 5606-19, § 2, July 2, 2019.

Marijuana dispensary facility means a facility licensed by the Missouri Department of Health and Senior Services to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia for adult use in amounts permitted by state law, or used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another marijuana dispensary facility, a marijuana testing facility, warehouse, or a marijuana infused products manufacturing facility.

Marijuana facility means a marijuana dispensary facility, marijuana cultivation facility, marijuana testing facility, marijuana infused products manufacturing facility, warehouse, marijuana transportation facility, microbusiness dispensary facility and microbusiness wholesale facility.

Marijuana-infused products manufacturing facility means a facility licensed by the Missouri Department of Health and Senior Services, to acquire, store, manufacture, transport, and sell marijuana-infused products to a marijuana dispensary facility, a marijuana testing facility, warehouse, or to another marijuana-infused products manufacturing facility.

Marijuana testing facility means a facility certified by the Missouri Department of Health and Senior Services, to acquire, test, certify, and transport marijuana.

Marijuana transportation facility means a facility licensed by the Missouri Department of Health and Senior Services to transport marijuana for adult use in amounts permitted by state law, or to a qualifying patient, primary caregiver, a marijuana cultivation facility, a marijuana-infused products manufacturing facility, a marijuana dispensary facility, a marijuana testing facility, warehouse, or another marijuana transportation facility.

Microbusiness dispensary facility means a microbusiness facility licensed by the Missouri Department of Health and Senior Services under 19 CSR 100 where marijuana is dispensed for medical or adult use.

Microbusiness wholesale facility means a microbusiness facility licensed by the Missouri Department of Health and Senior Services under 19 CSR 100 where marijuana cultivation operations for medical or adult use occur and/or where marijuana-infused products and prerolls are manufactured for medical or adult use.

Qualifying patient means a Missouri resident diagnosed with at least one qualifying medical condition.

Primary caregiver means an individual 21 years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card from the Missouri Department of Health and Human Services.

Warehouse means a facility granted a certificate by the Missouri Department of Health and Senior Services for off-site storage of marijuana product.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-581. Rules of interpretation.

(a) The distance limitations in this article, when referring to distances between marijuana facilities and schools, daycares, and churches, shall be measured in accordance with19 CSR 100.

(b) The distance limitations in this article, when referring to distances between a marijuana facility and a separate marijuana facility not contained in the same structure, shall be measured in a straight line between the primary entrances of each marijuana facility.

(c) The distance limitations in this article, when referring to distances between a marijuana facility and a residential district, shall be measured in a straight line between the primary entrance of the marijuana facility and the nearest point on the property line of a residential district.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-582. No additional licenses.

All marijuana facilities shall be required to be properly licensed and/or certified by the Missouri Department of Health and Senior Services as required by 19 CSR 100. Furthermore, marijuana facilities shall have a city business license as required in Chapter 10 of the Raytown Municipal Code, and a commercial use permit as required by Section 50-518 of the Raytown Municipal Code, and any other license required by the city that complies with 19 CSR 100. Certain activities performed in relation to such facilities may require permits from other agencies not related to the city such as the Raytown Fire District.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-583. Marijuana dispensary and microbusiness dispensary general rules.

In addition to the requirements for dispensary facilities including microbusiness dispensaries in 19 CSR 100, such facilities shall also comply with the following:

(a) Marijuana dispensaries shall not be open to the public or make any sales between the hours of 12:00 a.m. and 6:00 a.m. or as established by the ordinance approving a conditional use Permit in cases where such a permit is required.

(b) Marijuana dispensaries shall only transport marijuana:

a. To qualifying patients, primary caregivers, recreational consumers, a medical marijuana testing facility, a medical marijuana dispensary, a medical marijuana-infused product manufacturing facility;

If the marijuana dispensary complies with the requirements of 19 CSR 100.

(c) No marijuana, of any type, may be smoked, ingested, or otherwise consumed on the premises of a marijuana dispensary at any time, nor shall the licensee permit such consumption.

(d) Marijuana dispensaries shall not disburse marijuana as part of a promotional event.

(e) All marijuana dispensaries shall only sell marijuana seeds acquired from state licensed marijuana cultivation facilities.

(f) No marijuana dispensary shall sell marijuana seeds to a qualifying patient or primary caregiver who is not currently authorized to cultivate marijuana.

(g) All marijuana dispensaries shall require every medical marijuana customer to display the customer's identification card issued by the Missouri Department of Health and Senior Services or other proof of eligibility at the time of each purchase.

(h) Marijuana dispensaries shall not sell marijuana to a qualifying patient or primary caregiver in amounts greater than what that individual is currently authorized to purchase by the Missouri Department of Health and Senior Services.

(i) No person under the age of 21 years old may enter any areas beyond the facility's public access point area, unless the individual is a qualifying patient or accompanying a parent or guardian who is a qualifying patient, primary caregiver, or recreational consumer.

(j) No marijuana dispensary shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses outside of the boundary of the lot upon which the marijuana dispensary is located.

(k) Each marijuana dispensary shall be operated from a permanent and fixed location. No marijuana dispensary shall be permitted to operate from a moveable, mobile, or transitory location. This subsection shall not prevent the physical delivery of medical marijuana to a recreational consumer, qualifying patient or primary caregiver at a location off of the premises of the licensee's marijuana dispensary, to the extent so permitted by law.

(l) Dispensary facilities of any type properly licensed by the Missouri Department of Health and Senior Services may opt to provide drive-through service at the licensed location following approval of the security plan for the facility by the Raytown Police Department including the drive-through component. Dispensary facilities opting to provide drive through service at a future date following approval of the original facility security plan shall submit an amended security plan for the drive-through component to the Raytown Police Department for review and approval.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-584. Marijuana dispensary or microbusiness dispensary siting requirements.

A marijuana dispensary or microbusiness dispensary may be located as a permitted use in the Highway Commercial District (HC), or as a conditional use in the Neighborhood Commercial District (NC), upon satisfactory compliance with the provisions of this section. A conditional use permit is required in the Neighborhood Commercial District (NC), due to its close proximity to residential districts, lower capacity to handle increases in traffic flow and absorb related noise, and the limitations of adaptability of older commercial structures to meet modern building code requirements for the proposed uses.

(a) As a permitted use in the Highway Commercial District (HC):

a. A marijuana dispensary shall have the appropriate license from the Missouri Department of Health and Senior Services, pursuant to 19 CSR 100.

b. No marijuana dispensary shall be located closer than 1,000 feet from any elementary or secondary school, daycare, or church.

c. No marijuana dispensary shall be located closer than 150 feet from a residentially zoned district.

d. A marijuana dispensary may have secondary operations of another type of marijuana facility within the same structure space if the secondary operations constitute 25 percent or less of both the overall floor space and revenue of the business. The marijuana dispensary shall have all required licenses pursuant to 19 CSR 100 for both the marijuana dispensary and the secondary marijuana facility operation, in addition to all required city permits and licenses.

e. The applicant for a marijuana dispensary commercial zoning permit shall provide the following plans and documentation for city review and approval.

(1) Site plan for the marijuana dispensary that shall include a floor plan showing where the various activities will be conducted. No marijuana products shall be visible from the exterior of the building.

(2) All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.

(3) A plan which reasonably shows that the marijuana dispensary is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the marijuana dispensary is located.

(4) A security plan for review and approval by the Raytown Police Department, which reasonably shows that the marijuana dispensary can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the marijuana dispensary at any hour.

(5) A parking plan that meets the required parking ratio for commercial uses as contained in Chapter 50, Article X of the Municipal Code. The parking plan shall also show loading docks and product truck circulation patterns to ensure that such deliveries do not interfere with proper parking and circulation of other vehicles on the property upon which the marijuana dispensary is located.

(6) A hazardous waste disposal plan for any unused product or hazardous materials used as part of normal operations by a marijuana dispensary in accordance with 19 CSR 100.

(7) All signage shall conform to the standards in Chapter 50, Article VIII of the Municipal Code and shall be reviewed and approved under a separate permit process.

(b) As a conditional use in the Neighborhood Commercial District (NC):

a. Marijuana dispensary applicants in the Neighborhood Commercial (NC) District shall comply with all provisions of Chapter 50, Article V, of the Municipal Code, regarding conditional use permit applications, including but not limited to the requirements of this section.

b. A marijuana dispensary shall have the appropriate state license pursuant to 19 CSR 100. Applicants may apply for a conditional use permit upon showing that the applicant has applied for this state license, but the conditional use permit shall not be issued until such license has been obtained from the Missouri Department of Health and Senior Services.

c. A Marijuana dispensary shall not be located closer than 1,000 feet from any other marijuana dispensary or marijuana facility.

d. No marijuana dispensary shall be located within 1,000 feet of any elementary or secondary school, daycare, or church.

e. No marijuana dispensary shall be located within 500 feet of a residentially zoned district.

f. The applicant for a marijuana dispensary conditional use permit shall provide the following plans and documentation for city review and approval.

(1) A site plan for the marijuana dispensary shall include a floor plan showing where the various activities will be conducted. No marijuana products shall be visible from the exterior of the building.

(2) All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.

(3) A plan which reasonably shows that the marijuana dispensary is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the marijuana dispensary is located.

(4) A security plan for review and approval by the Raytown Police Department, which reasonably shows that the marijuana dispensary can be kept secure from access by unauthorized persons both during and after normal operating hours and provides adequate overnight security for product trucks parked outside the marijuana dispensary at any hour.

(5) A parking plan that meets the required parking ratio for commercial uses as contained in Chapter 50, Article X of the Municipal Code. The parking plan shall also show loading docks

and product truck circulation patterns to ensure that such deliveries do not interfere with proper parking and circulation of other vehicles on the property.

(6) A hazardous waste disposal plan for any unused product or hazardous materials used as part of normal operations by a marijuana dispensary in accordance with Missouri Department of Health and Senior Services guidelines.

(7) All signage shall conform to the standards in Chapter 50, Article VIII of the Municipal Code and shall be reviewed and approved under a separate permit process.

(c) When a conditional use permit is applied for, the conditional use permit, if approved, shall be personal to the applicant at the approved site and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable city ordinances and state law regarding operation of a marijuana facility. The conditional use Permit shall not be portable with the applicant and shall be reviewed annually by the community development department for compliance. in the event the applicant's state-issued license expires for any reason, the conditional use permit shall terminate immediately.

(d) If any change occurs from the permitted use of a structure as a marijuana dispensary, a new conditional use permit shall be required in all cases. Marijuana dispensaries located in the Highway Commercial (HC) District that comply with Section 50-584(a) of the Raytown Municipal Code, regarding secondary marijuana facility activities in the same structure constituting 25 percent or less of both overall floor area and revenue, are not required to apply for a conditional use Permit.

(e) The state licensed operator of any marijuana dispensary shall provide a copy of their state license, issued by the Missouri Department of Health and Senior Services, to the community development department annually to confirm their continuing licensed status with the State of Missouri. In the case of a marijuana dispensary that was granted a conditional use permit by the city, the state licensed operator and the applicant to whom the conditional use Permit was issued shall be the same. The city may request such documentation at any time.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-585. Marijuana cultivation facility, marijuana testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and microbusiness wholesale facility siting requirements.

(a) A marijuana cultivation facility, marijuana testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and/or microbusiness wholesale facility may be located as a conditional use in the Industrial District (M), and shall comply with all provisions of Chapter 50, Article V, of the Municipal Code, regarding conditional use permit applications, including but not limited to the requirements of this section.

(b) A marijuana cultivation facility, marijuana testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and/or microbusiness wholesale facility shall have the appropriate license pursuant to 19 CSR 100. Applicant may apply for a conditional use permit upon showing that the applicant has applied for a state license for each marijuana facility type applied for, but the conditional use permit shall not be issued until such license from the Missouri Department of Health and Senior Services has been obtained.

(c) A marijuana cultivation facility, marijuana testing facility, marijuana-infused products manufacturing facility, marijuana transportation facility, or warehouse may be permitted to operate together in a single location

under a single conditional use permit provided that the applicant has complied with the requirements of 19 CSR 100.

(d) No marijuana cultivation facility, marijuana testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and/or microbusiness wholesale facility, shall be located within 1,000 feet of any elementary or secondary school, daycare, or church.

(e) No marijuana cultivation facility, marijuana testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and/or microbusiness wholesale facility, shall be located within 500 feet of a residentially zoned district.

(f) The applicant for a marijuana cultivation facility, marijuana testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and/or microbusiness wholesale facility, shall provide the following plans and documentation for city review and approval.

a. A site plan for the operation that also includes a floor plan for any internal facilities showing where the various activities will be conducted. No marijuana products or plants shall be visible from the exterior of the marijuana facility.

b. All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction related to a facility.

c. A plan which reasonably shows that the marijuana facility is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the marijuana facility is located.

d. A security plan which reasonably shows that the marijuana facility can be kept secure from access by unauthorized persons both during and after normal operating hours.

e. A parking plan that meets the required parking ratio for industrial districts as contained in Chapter 50, Article X. of the Municipal Code.

f. A hazardous waste disposal plan for any unused product or hazardous materials used as part of normal operations by a marijuana facility in accordance with Missouri Department of Health and Senior Services guidelines.

g. All signage shall conform to the standards in Chapter 50, Article VIII of the Municipal Code and shall be reviewed and approved under a separate permit process.

(g) The applicant for a marijuana cultivation facility, testing facility, marijuana transportation facility, marijuana-infused products manufacturing facility, warehouse, and/or microbusiness wholesale facility, shall comply with the International Fire Code version currently adopted by the Raytown Fire District, and acquire any operational permits as required by the fire district, and provide a copy of such permit to the city prior to issuance of the conditional use permit.

(h) The conditional use permit, if approved, shall be personal to the applicant and shall not run with the land. In addition, the conditional use permit shall be subject to the applicant's continued compliance with all applicable city ordinances and state law regarding operation of a marijuana facility. The conditional use permit shall be reviewed annually by the community development department for compliance. In the event the applicant's state-issued license expires for any reason, the conditional use permit shall terminate immediately.

(i) If any change occurs from the original permitted use of a structure as a marijuana facility, a new conditional use permit shall be required in all cases.

(j) The state licensed operator of any marijuana facility shall provide a copy of their state license, issued by the Missouri Department of Health and Senior Services, to the community development department annually to confirm their continuing licensed status with the State of Missouri. The state licensed operator and the

applicant to whom the conditional use permit was issued shall be the same. The city may request such documentation at any time.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-586. Residential medical or recreational marijuana operations.

(a) Should a qualifying patient or primary caregiver decide to cultivate medical marijuana at their residence, the qualifying patient or primary caregiver shall do so in accordance with 19 CSR 100.

(b) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall be kept in an enclosed, locked facility in accordance with 19 CSR 100.

(c) All residential recreational or medical marijuana cultivation by a recreational consumer, qualifying patient or a primary caregiver shall be done in such a way as to prevent odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot upon which the medical marijuana plants are located.

(d) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall be in conformance with the International Fire Code Version currently adopted by the Raytown Fire District, and acquire any operational permits as required by the fire district.

(e) Up to two adult use marijuana consumers with valid State of Missouri-issued consumer personal cultivation identification cards may reside in a single residential dwelling for the purpose of cultivating marijuana for their own personal use in accordance with 19 CSR 100. All amounts of prepared dried marijuana cultivated on the premises exceeding three ounces shall be kept in a secure locked facility in accordance with 19 CSR 100.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-587. Disposal of marijuana.

No person shall dispose of marijuana or marijuana-infused products, extracts, and waste materials except in accordance with 19 CSR 100.

(Ord. No. 5729-23, § 2(Exh. A), 7-11-2023)

Sec. 50-588. Marijuana Consumption Lounge general rules and siting requirements.

(a) The sale of marijuana or marijuana-infused products on the premises of marijuana consumption lounges is expressly prohibited. Incidental sales of alcoholic and non-alcoholic beverages, prepackaged food, branded merchandise, and tobacco or nicotine products are permitted, provided such sales remain clearly subordinate to the primary consumption use and comply with all applicable state and local laws.

(b) A marijuana consumption lounge may be located as a permitted use in the Highway Commercial District (HC), or as a conditional use in the Neighborhood Commercial District (NC), upon satisfactory compliance with the provisions of this section. A conditional use permit is required in the Neighborhood Commercial District (NC), due to its close proximity to residential districts, lower capacity to handle increases in traffic flow and absorb related noise, and the limitations of adaptability of older commercial structures to meet modern building code requirements for the proposed uses. Marijuana consumption lounges are not permitted in all other districts.

(c) As a permitted use in the Highway Commercial District (HC):

(1) A marijuana consumption lounge shall not include cultivation, manufacturing, processing, or retail sales of marijuana or marijuana-infused products.

(2) A marijuana consumption lounge shall not be located closer than 1,000 feet from any elementary or secondary school, daycare, or church.

(3) A marijuana consumption lounge shall not be located closer than 150 feet from a residential district.

(4) The applicant for a marijuana consumption lounge commercial use permit shall provide the following plans and documentation for city review and approval.

a. Site plan for the marijuana consumption lounge that shall include a floor plan showing where the various activities will be conducted. Marijuana consumption is not permitted beyond the building envelope, including patios or outdoor spaces.

b. All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.

c. A plan which reasonably shows that the marijuana consumption lounge is capable, when functioning properly, of preventing odors of marijuana from being detected by a person of ordinary sense of smell beyond the boundary of the lot on which the marijuana consumption lounge is located.

b. A security plan for review and approval by the Raytown Police Department, which reasonably shows that the marijuana consumption lounge can be kept secure from access by unauthorized persons both during normal operating hours and provides adequate security during operational hours.

c. A parking plan that meets the required parking ratio for commercial uses as contained in Chapter 50, Article X of the Municipal Code.

d. A hazardous waste disposal plan for any unused product or hazardous materials used as part of normal operations by a marijuana consumption lounge in accordance with 19 CSR 100.

e. All signage shall conform to the standards in Chapter 50, Article VIII and Section 28-330 of the Municipal Code and shall be reviewed and approved under a separate permit process.

(d) As a conditional use in the Neighborhood Commercial District (NC):

(1) Marijuana consumption lounge applicants in the Neighborhood Commercial (NC) District shall comply with all provisions of Chapter 50, Article V, of the Municipal Code, regarding conditional use permit applications, including but not limited to the requirements of this section.

(2) A marijuana consumption lounge shall not be located closer than 1,000 feet from any other marijuana consumption lounge or marijuana facility.

(3) A marijuana consumption lounge shall not be located within 1,000 feet of any elementary or secondary school, daycare, or church.

(4) A marijuana consumption lounge shall not be located within 500 feet of a residential district.

(5) The applicant for a marijuana consumption lounge conditional use permit shall provide the following plans and documentation for city review and approval.

a. A site plan for the marijuana consumption lounge shall include a floor plan showing where the various activities will be conducted.

b. All city-adopted building, fire, mechanical, plumbing, and electrical codes shall be complied with when submitting building plans for remodel or new construction.