

TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
MARCH 7, 2017
REGULAR SESSION No. 45
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133

OPENING SESSION
7:00 P.M.

Invocation
Pledge of Allegiance
Roll Call

Public Comments

Communication from the Mayor

Communication from the City Administrator

Committee Reports

LEGISLATIVE SESSION

1. CONSENT AGENDA

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

Approval of the Regular February 21, 2017 Board of Aldermen meeting minutes.

REGULAR AGENDA

OLD BUSINESS

2. Public Hearing: A public hearing regarding a conditional use permit for property located at 8832 E. 350 Highway.
 - 2a. **SECOND READING: Bill No. 6438-17, Section XIII. AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A VEHICLE REPAIR, GENERAL ESTABLISHMENT AT 8832 E. 350 HIGHWAY IN RAYTOWN, MISSOURI.** Point of Contact: Scott Peterson, Planning & Zoning Coordinator.
3. Public Hearing: A public hearing regarding text amendments relating to definitions in Chapter 50–Zoning.
 - 3a. **SECOND READING: Bill No. 6439-17, Section XIII. AN ORDINANCE AMENDING CHAPTER 50 (ZONING), SECTION 4 (DEFINITIONS), AND SECTION 50-107(a)(5) OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, FOR THE PURPOSE OF UPDATING ZONING DEFINITIONS IN THE ZONING ORDINANCE OF THE CITY OF RAYTOWN.** Point of Contact: Scott Peterson, Planning & Zoning Coordinator.

NEW BUSINESS

4. Public Hearing: A public hearing to consider an application for Chapter 353 Tax Abatement for property located at 5902 Blue Ridge Boulevard.
 - 4a. **FIRST READING: Bill No. 6440-17, Section XXXVI. AN ORDINANCE** ADOPTING AND APPROVING THE NINTH AMENDED DEVELOPMENT PLAN SUBMITTED BY THE RAYTOWN MUNICIPAL REDEVELOPMENT CORPORATION, ESTABLISHING A DECLARATION THAT THE REDEVELOPMENT AREA DESCRIBED WITHIN THE NINTH AMENDED DEVELOPMENT PLAN IS A BLIGHTED AREA IN NEED OF DEVELOPMENT AND REDEVELOPMENT, AND AUTHORIZING CERTAIN TAX ABATEMENTS WITHIN THE REDEVELOPMENT AREA DESCRIBED WITHIN THE NINTH AMENDED DEVELOPMENT PLAN. Point of Contact: Tom Cole, City Administrator.

ADJOURNMENT

MINUTES
RAYTOWN BOARD OF ALDERMEN
FEBRUARY 21, 2017
REGULAR SESSION NO. 44
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133

OPENING SESSION
7:00 P.M.

Mayor Michael McDonough called the February 21, 2017 Board of Aldermen meeting to order at 7:00 p.m. Rex Block, of the Raytown Bahá'í, provided the invocation and led the pledge of allegiance.

Roll Call

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

Present: Alderman Karen Black, Alderman Jim Aziere, Alderman Jason Greene, Alderman Janet Emerson, Alderman Mark Moore, Alderman Steve Meyers, Alderman Bill Van Buskirk, Alderman Eric Teeman

Absent: None

Public Comments

Perry Dummitt, representing Vance Brothers of 5201 Brighton Ave., Kansas City, MO, expressed concern with delays in the City's annual maintenance of pavement and surfacing infrastructure.

DeAndre Briscoe was signed-in to address the board, however; after a private discussion with the Mayor, Mr. Briscoe left the meeting without speaking.

Communication from the Mayor

February 8, the Mayor along with Aldermen Van Buskirk and Emerson attended the Share the Love Community Breakfast. Alderman Meyers helped coordinate their attendance.

February 11, the Mayor attended the Cars and Coffee Car Show at Doughboy's.

February 21, the Mayor attended the 56th Metropolitan Mayors' Prayer Meeting along with 50+ other Mayors and 800+ guests. The Mayor offered the invocation, and the guest speaker was Kansas City Police Chief Darryl Forte.

February 21, the Mayor presented an encapsulated version of his State of the City address to the Rotary Club of Raytown.

Communication from the City Administrator

A list of 2017 projects has been provided by each City department in an effort to create a concrete schedule for the accomplishment of each project. These projects will be presented to the Board of Aldermen in the future for their guidance in prioritizing the projects.

Director of Finance, Briana Burrichter, and the City Administrator are working to refinance the TIF bonds and an RFQ will be issued to enlist the assistance of a finance company.

The City Administrator recently attended the Missouri Municipal League Conference in Jefferson City. State Legislatures are working on establishing a Use Tax that would allow cities a means to capture sales tax in

online sales that are currently exempt from such a tax. Federally, this is known as the Main Street Fairness Act.

The Personnel Manual Review Committee will reconvene next week, and any further recommendations or revisions will be brought to the Board for consideration.

Committee Reports

Alderman Greene gave his congratulations to Otis Peeler of Raytown South High School for winning the Class 3A State Champion Title in wrestling with a record of 41-0.

Alderman Greene also announced that Jackson County and the KCATA will hold a public forum regarding the shared use path of the Rock Island Corridor on three upcoming dates: March 6, 5:30-7:00 p.m. at the Kansas City Police Department South Patrol Building; March 8, 5:30-7:00 p.m. at Metropolitan Community College-Longview; March 15, 5:30-7:00 p.m. at the Raytown Wellness Center.

Alderman Emerson attended the Chamber's legislative meeting. Information about the current legislative work being done in Jefferson City can be found on their website.

Alderman Teeman attended the Park Board's meeting and shared that the youth basketball league will finish in March with 52 teams comprised of 440+ children grades K-6 participating. The Raytown Arts and Music Festival is currently seeking sponsors and supporters for the upcoming Summer event. The Parks department and Board are preparing for their annual Spring and Summer seasonal programs.

Alderman Meyers reported that the Budget Review Committee will no longer meet on a weekly basis and they will reconvene March 9. Local art teacher, Lisa Kirk of Spring Valley Elementary School, was named Art Educator of the Year by the Missouri Art Education Association.

Alderman Van Buskirk shared that, along with Alderman Emerson and the Mayor, he attended the Raytown Municipal Redevelopment Corporation meeting to review an application that will be brought to the board in the near future.

LEGISLATIVE SESSION

1. CONSENT AGENDA

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

Approval of the Regular February 7, 2017 Board of Aldermen meeting minutes.

R-2946-17: A RESOLUTION AUTHORIZING AND APPROVING THE REAPPOINTMENT OF TOMMY BETTIS TO THE PLANNING & ZONING COMMISSION. Point of Contact: Teresa Henry, City Clerk.

Alderman Meyers thanked Mr. Bettis for his previous service to the Commission and the City.

Mr. Bettis shared his appreciation for the City and the projects of which he has been a part.

The Mayor added that the City is seeking new committee members and any interested persons should submit their application to him.

Alderman Greene, seconded by Alderman Black, made a motion to adopt. The motion was approved by a vote of 8-0.

Ayes: Aldermen Greene, Black, Teeman, Van Buskirk, Meyers, Moore, Emerson, Aziere

Nays: None

REGULAR AGENDA

NEW BUSINESS

2. Public Hearing: A public hearing regarding a conditional use permit for property located at 8832 E. 350 Highway.

2a. **FIRST READING: Bill No. 6438-17, Section XIII. AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A VEHICLE REPAIR, GENERAL ESTABLISHMENT AT 8832 E. 350 HIGHWAY IN RAYTOWN, MISSOURI.** Point of Contact: Scott Peterson, Planning & Zoning Coordinator.

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

Discussion included that Alderman Van Buskirk has had ex parte communication regarding the ordinance and he will listen to all information and communication regarding the ordinance before making a final decision. The business known as The Kandy Shop has been operating for 13 years and since November 2016 at this location. The business owner intends to continue following the commission's condition that inoperable vehicles under repair be stored indoors while on the property. Appreciation was given to the proprietor for bringing his business to Raytown.

Alderman Emerson, seconded by Alderman Van Buskirk, made a motion to continue the public hearing to a date certain of March 7, 2017. The motion was approved by a vote of 8-0.

Ayes: Aldermen Emerson, Van Buskirk, Green, Moore, Teeman, Black, Aziere, Meyers
Nays: None

3. Public Hearing: A public hearing regarding text amendments relating to definitions in Chapter 50—Zoning.

3a. **FIRST READING: Bill No. 6439-17, Section XIII. AN ORDINANCE AMENDING CHAPTER 50 (ZONING), SECTION 4 (DEFINITIONS), AND SECTION 50-107(a)(5) OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, FOR THE PURPOSE OF UPDATING ZONING DEFINITIONS IN THE ZONING ORDINANCE OF THE CITY OF RAYTOWN.** Point of Contact: Scott Peterson, Planning & Zoning Coordinator.

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

Mr. Williamson assisted in the update of this documents and was available for questions. Discussion included that we are now in phase two of the review of the City's ordinance codes having completed the neighborhood meetings, posting of signs, and update of the Land Use Table.

Alderman Teeman, seconded by Alderman Emerson, made a motion to continue the public hearing to a date certain of March 7, 2017. The motion was approved by a vote of 8-0.

Ayes: Aldermen Teeman, Emerson, Aziere, Greene, Meyers, Black, Van Buskirk, Moore
Nays: None

4. **R-2947-17: A RESOLUTION AUTHORIZING AND APPROVING AN ADDITIONAL EXPENDITURE IN THE AMOUNT OF \$2,000.00 TO THE PURCHASE OF A NEW AMBULANCE CONVERSION FROM OSAGE AMBULANCE/EMERGENCY SERVICES SUPPLY AND AMENDING RESOLUTION R-2875-16 FOR A TOTAL AMOUNT NOT TO EXCEED \$111,575.00 AND AMENDING THE FISCAL YEAR 2016-2017 BUDGET.** Point of Contact: Doug Jonesi, Emergency Medical Services Director.

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

Discussion confirmed that this additional step in the construction of the new ambulance will create minimal delays.

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

Ayes: Aldermen Van Buskirk, Moore, Teeman, Greene, Aziere, Black, Meyers, Emerson
Nays: None

5. **R-2948-17: A RESOLUTION** AUTHORIZING AND APPROVING THE PURCHASE OF THREE 2017 FORD POLICE UTILITY INTERCEPTORS AND ONE 2017 FORD EXPEDITION FROM DICK SMITH FORD OFF THE MID-AMERICA COUNCIL OF PUBLIC PROCUREMENT JOINT BID IN AN AMOUNT NOT TO EXCEED \$118,571.00. Point of Contact: Jim Lynch, Police Chief.

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

Discussion established that some current fleet vehicles still await up-fitting and alternative out-sourcing options are being investigated to ensure these newly procured vehicles will be up-fitted in a timely manner. The vehicles being replaced will go to auction through Purple Wave.

Alderman Moore, seconded by Alderman Teeman, made a motion to adopt. The motion was approved by a vote of 8-0.

Ayes: Aldermen Moore, Teeman, Emerson, Black, Meyers, Greene, Van Buskirk, Aziere
Nays: None

6. **R-2949-17: A RESOLUTION** AUTHORIZING AND APPROVING THE PURCHASE OF A 2017 FORD F-250 TRUCK FROM DICK SMITH FORD OFF THE MID-AMERICA COUNCIL OF PUBLIC PROCUREMENT JOINT VEHICLE BID IN A TOTAL AMOUNT NOT TO EXCEED \$25,785.00 FOR FISCAL YEAR 2016-2017. Point of Contact: Kati Horner Gonzalez, Public Works Director.

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

Discussion clarified that this truck will come complete except for the truck bed and the old vehicle will be auctioned through Purple Wave.

Alderman Teeman, seconded by Alderman Black, made a motion to adopt. The motion was approved by a vote of 8-0.

Ayes: Aldermen Teeman, Black, Meyers, Greene, Van Buskirk, Emerson, Moore, Aziere
Nays: None

7. **R-2950-17: A RESOLUTION** AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS TO KEY EQUIPMENT & SUPPLY COMPANY FOR THE PURCHASE OF A ENVIROSIGHT QUICK VIEW AIR HD CAMERA SYSTEM AND RELATED SUPPLIES OFF THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE CONTRACT IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR FISCAL YEAR 2016-2017. Point of Contact: Kati Horner Gonzalez, Public Works Director.

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

Discussion added that this device will be integral to beginning a more robust City-wide inspection of the storm sewer system.

Alderman Teeman, seconded by Alderman Emerson, made a motion to adopt. The motion was approved by a vote of 8-0.

Ayes: Aldermen Teeman, Emerson, Moore, Greene, Van Buskirk, Black, Aziere, Meyers
Nays: None

ADJOURNMENT

Alderman Black, seconded by Alderman Emerson, made a motion to adjourn. The motion was approved by a majority of those present.

The meeting adjourned at 8:01 p.m.

Teresa M. Henry, MRCC
City Clerk

CITY OF RAYTOWN
Request for Board Action

Date: February 28, 2017
To: Mayor and Board of Aldermen
From: Scott Peterson, Planning and Zoning Coordinator

Bill No. 6438-17
Section No.: XIII

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____

Action Requested: Conduct a public hearing to consider a Conditional Use Permit application for a vehicle repair, general establishment at 8832 E 350 Highway.

Recommendation: The Planning & Zoning Commission, by a vote of 6 in favor and 0 against, is recommending approval of the application subject to the following conditions:

1. All vehicles to be repaired or painted throughout the course of business be stored indoors at all times while on the property. Vehicles that are completely repaired, painted and operable may be parked outside.
2. Compliance with all applicable local, state and federal laws and ordinances.

Analysis: Edward Golden, on behalf of Green 350 Hwy Properties, LLC, is seeking a conditional use permit to operate a vehicle repair, general establishment at 8832 E 350 Highway, which is zoned Highway Corridor Commercial (HC). The previous use of the property was a gun store. The applicant plans to use the establishment for auto repair, small parts painting and plating.

Section 50-4 of the Code of Ordinances of the City of Raytown defines *vehicle repair, general* as “an establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.” The land use table in Section 50-107 of the zoning ordinance requires that all vehicle repair, general establishments seeking to open on properties zoned HC obtain a Conditional Use Permit.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to:

1. Deny the conditional use permit application; or
2. Refer the application back to the Planning & Zoning Commission for reconsideration or further review.

Budgetary Impact: This application does not require the city to provide any funding.

Additional Reports Attached:

- Conditional Use Permit Application submitted by applicant
- Staff Report on this application for the February 2, 2017 Planning & Zoning Commission meeting.
- Minutes of the February 2, 2017 Planning & Zoning Commission meeting.

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT SUBJECT TO CERTAIN CONDITIONS TO ALLOW A VEHICLE REPAIR, GENERAL ESTABLISHMENT AT 8832 E. 350 HIGHWAY IN RAYTOWN, MISSOURI

WHEREAS, application PZ-2017-001, submitted by Edward Golden on behalf of Green 350 Highway Properties, LLC seeks to allow a vehicle repair, general establishment at 8832 E. 350 Highway; and

WHEREAS, pursuant to City Code Chapter 50, Article V of the City of Raytown Code of Ordinances, application no. PZ-2017-001, was referred to the Planning & Zoning Commission to hold a public hearing; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning & Zoning Commission held public hearings on said application on February 2, 2017; and

WHEREAS, at the conclusion of said public hearing on February 2, 2017 the Planning & Zoning Commission by a vote of six (6) in favor and zero (0) against rendered a report to the Board of Aldermen recommending that the Conditional Use Permit Application be approved subject to certain conditions; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held public hearings on said application on February 20, 2017 and March 6, 2017; and

WHEREAS, based on all of the information presented the Board of Aldermen finds it is in the best interest of the citizens of the City of Raytown to approve said Conditional Use Permit subject to certain conditions specified herein.

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

SECTION 1 – GRANT OF CONDITIONAL USE PERMIT. That a Conditional Use Permit is hereby granted to allow a vehicle repair, general establishment on the property located at 8832 E. 350 Highway in Raytown, Missouri, as legally described in Exhibit “A”, subject to the conditions set forth in Section 2 herein.

SECTION 2 – CONDITIONS OF APPROVAL AND OPERATION. That the following conditions of approval shall apply and be followed during the duration of the use allowed by this Conditional Use Permit.

1. All vehicles used, repaired, or painted throughout the course of business be stored indoors at all times while on the property.
2. Compliance with all applicable local, state and federal laws and ordinances.

SECTION 3 – FAILURE TO COMPLY. That failure to comply with any of the conditions or provisions contained in this ordinance shall constitute violations of both this ordinance and the City’s Comprehensive Zoning Code and shall be cause for revocation of the Conditional Use Permit granted herein in addition to other penalties contained in the City Code.

SECTION 4 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 6 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 7th day of March, 2017.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

BILL NO. 6438-17

ORDINANCE NO. ____-17

SECTION NO. XIII

Exhibit "A"

STAFF REPORT

To: The City of Raytown Planning and Zoning Commission
FROM: Scott Peterson, Planning and Zoning Coordinator
DATE: FEBRUARY 2, 2017
Subject: Agenda Item No. 5. A: Application for conditional use permit for a vehicle repair, general establishment at 8832 E 350 Highway.

BACKGROUND INFORMATION:

Edward Golden, on behalf of Green 350 Hwy Properties, LLC is seeking approval of a conditional use permit application that proposes to allow a vehicle repair, general establishment at 8832 E 350 Hwy. The subject property is owned by Green 350 Hwy Properties, but Mr. Golden is seeking to be a tenant of the property for his business, The Kandy Shop, which performs auto repair, small parts painting and plating.

The zoning ordinance defines *vehicle repair, general* as "an establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops." The applicant is seeking the conditional use permit as the property they are wishing to operate their business out of is zoned Highway Corridor Commercial (HC), which requires a conditional use permit for such a business per the updated land use table in Section 50-107 of the zoning ordinance.



FACTORS TO BE CONSIDERED:

In considering any application for a conditional use permit, the Planning Commission shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to, the following factors.

1. The stability and integrity of the various zoning districts.
The property to which the conditional use permit application applies is zoned Highway Corridor Commercial (HC). The zoning and uses on surrounding properties are more specifically described below:

East: Two residential properties sit to the east, and were just recently split from one lot to two and rezoned into R-1 Single Family Residential.

West: Highway 350 abuts the west side of the property. Offices are located on the west side of Highway 350 and are zoned Highway Corridor Commercial (HC).

South: The property sits in a small strip mall. The neighbor immediately to the south of the applicant is a pawn shop. There are two properties south of the applicant property that both function as vehicle repair establishments, although one is currently vacant.

North: The neighbor in the strip mall immediately to the north of the applicant is a professional office that is in use as a third-party vehicle sales business. Extreme Grand Prix and Sutherland's are on the property immediately north of the applicant property.
2. Conservation of property values.
The proposed use, if approved, will occupy a currently vacant property that was previously in use as a gun store. The property is in active use as a strip mall with a variety of commercial uses in the mall itself, as well as surrounding the applicant property, except for residential properties to the east. It is the opinion of staff that given the commercial character of the area that property values will not be negatively impacted by granting a conditional use permit to the applicant.
3. Protection against fire and casualties.
Prior to occupying the property, the applicant will be required to obtain a Use Permit from the Community Development Department. As part of review and approval of the Use Permit, the buildings and property will be inspected by the City's Building Official and Property Code Enforcement Officer as well as by the Fire Marshall from the Raytown Fire Protection District to ensure compliance with the applicable life safety codes contained in the city and fire district's adopted Building and Fire Codes as well as the city's Property Maintenance Code.
4. Observation of general police regulations.
It does not appear that the proposed vehicle repair, general establishment will violate any general police regulations.
5. Prevention of traffic congestion.
The subject property is located along Highway 350. The applicant requested, and was granted, a waiver to a traffic impact analysis by the Public Works department. It is the opinion of staff that the proposed business will not generate enough traffic to impact congestion along the highway.
6. Promotion of traffic safety and the orderly parking of motor vehicles.
As stated above, it is the opinion of staff that the proposed business will not generate traffic safety or parking issues due to the limited number of expected vehicle trips per hour to the site.

7. Promotion of the safety of individuals and property.
As previously described, if the application is approved, prior to opening for business city code requires that the applicant obtain a Use Permit from the Community Development Department. As part of the review and approval of the Use Permit application, the buildings and property will be inspected by the City's Building Official and Property Code Enforcement Officer as well as by the Fire Marshall with the Raytown Fire Protection District to ensure compliance with the applicable life safety codes contained in the city and fire district's adopted building and fire codes.
8. Provision for adequate light and air.
The applicant is not proposing any additional construction on the site, so light and air will be the same as it currently exists on the property. The applicant will be required to follow all state and federal laws regarding the handling and disposal of toxic or hazardous materials that could impact air quality.
9. Prevention of overcrowding and excessive intensity of land uses.
The applicant property has a garage to allow for work on vehicles inside the building. Given the location is in a strip mall with neighboring businesses active to either side of the applicant, it is possible that vehicle overflow could crowd the parking lot of the property.
It is the recommendation of staff that a condition be made that all vehicles used during the course of business for the applicant be stored indoors at all times while on the property.
10. Provision for public utilities and schools.
It is not anticipated that the proposed conditional use will have any impact on schools, and all necessary utilities are available to serve the property.
11. Invasion by inappropriate uses.
There are other vehicle repair facilities in the same block as the applicant property. The land use table does allow for conditional use permits for this type of establishment along Highway 350. As such, it does not appear that the proposed use will be an invasion of an inappropriate use if the use and property comply with other city codes and regulations.
12. Value, type and character of existing or authorized improvements and land uses.
There are no planned improvements to this property as a result of the applicant business.
13. Encouragement of improvements and land uses in keeping with overall planning.
Staff has no recommendations for improvements of the property based on the proposed use.
14. Provision for orderly and proper renewal, development and growth.
The proposed use is located in an existing commercial area and, if the application is approved in a manner that is consistent with city codes and regulations, the proposed use will allow continued commercial use of the property while providing for the orderly and proper renewal, redevelopment and growth along Raytown Road.

STAFF RECOMMENDATION:

It is the recommendation of staff that the conditional use permit application to operate a vehicle repair, general establishment be approved subject to the following conditions:

1. All vehicles used, repaired, or painted throughout the course of business be stored indoors at all times while on the property.
2. Compliance with all applicable local, state and federal laws and ordinances.

DRAFT
MINUTES
CITY OF RAYTOWN
PLANNING AND ZONING COMMISSION MEETING

February 2, 2017
Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133

7:00 pm

1. Welcome by Chairperson- Mr. Tommy Bettis, Vice-Chairman, served as the Chairman in Mr. Kevin Wilson's absence.

2. Call meeting to order and Roll Call.

Wilson: Absent	Jimenez: Absent	Stock: Present
Bettis: Present	Robinson: Present	Lightfoot: Present
Hartwell: Present	Dwight: Present	Meyers: Absent

3. Approval of minutes – December 01, 2016 meeting

- a. Revisions- None
- b. Motion- Ms. Stock made a motion to approve the December 01 minutes.
- c. Second- Ms. Hartwell made a second to Ms. Stock's motion.
- d. Additional Board Discussion- None.
- e. Vote- Motion passed unanimously 6-0.

4. Old Business – None

5. New Business:

A. Application: Public Hearing to consider a Conditional Use Permit for a vehicle repair, general establishment at 8832 E 350 Highway.

Case No.: PZ-2017-001

Applicant: City of Raytown

1. Introduction of Application by Chair- Mr. Bettis introduced the application.
2. Open Public Hearing- Mr. Bettis opened the Public hearing.
3. Explain Procedure for a Public Hearing and swear-in speakers- Mr. Willerth swore in those wishing to speak for or against the application.
4. Enter Additional Relevant City Exhibits into the Record:
 - a. Conditional Use Permit Application submitted by applicant
 - b. Publication of Notice of Public Hearing in Daily Record Newspaper
 - c. Public Hearing Notices mailed to property owners within 185-feet of subject property.

- d. City of Raytown Zoning Ordinance, as amended
 - e. City of Raytown Comprehensive Plan
 - f. Staff Report on application for February 2, 2017 Planning & Zoning Commission meeting
5. Explanation of any exparte' communication from Commission members regarding the application- None.
 6. Introduction of Application by Staff- Mr. Peterson introduced the application. Mr. Edward Golden is seeking a conditional use permit to operate a vehicle repair, general establishment at 8832 E 350 Highway. Mr. Peterson stated that due to the land use table this type of establishment requires a conditional use permit to operate on a property zoned Highway Corridor Commercial (HC).
 7. Request for Public Comment- Mr. Edward Golden spoke on behalf of his application. He stated that he has read and agrees to the staff recommendations for the application. Mr. Golden stated that he does not store vehicles outside anyways for fear of vandalism and theft. Mr. Golden stated that the previous tenant of the building was a gun store, so the building is already properly equipped for the ventilation needed for auto paint and repair.
 8. Additional Staff Comments and Recommendation- Staff recommended approval of the Conditional Use Permit subject to the following conditions:
 1. All vehicles used, repaired, or painted throughout the course of business be stored indoors at all times while on the property.
 2. Compliance with all applicable local, state and federal laws and ordinances.
 9. Board Discussion- None.
 10. Close Public Hearing- Mr. Bettis closed the public hearing.
 11. Board Decision to Approve, Conditionally Approve or Deny the Application.
 - a. Motion- Ms. Stock made a motion to approve the application subject to staff recommendations.
 - b. Second-Mr. Lightfoot made a second to Ms. Stock's motion.
 - c. Additional Board Discussion- None.
 - d. Vote- Motion passed unanimously 6-0.

B. Application: Public Hearing to consider text amendments to the City of Raytown Zoning Ordinance, Chapter 50, Article I, Section 50-4 and Section 50-107(a)(5) of the Code of Ordinances of the City of Raytown.

Case No.: PZ-2017-002

Applicant: City of Raytown

1. Introduction of Application by Chair- Mr. Bettis introduced the application.
2. Open Public Hearing- Mr. Bettis opened the public hearing.
3. Explain Procedure for a Public Hearing and swear-in speakers-
4. Enter Additional Relevant City Exhibits into the Record:
 - a. Publication of Notice of Public Hearing in Daily Record Newspaper.
 - b. City of Raytown Zoning Ordinance, as amended
 - c. City of Raytown Comprehensive Plan
 - d. Staff Report on application for February 2, 2017 Planning & Zoning Commission meeting

5. Explanation of any exparte' communication from Commission members regarding the application- None.
6. Introduction of Application by Staff- Mr. Peterson introduced the application. Staff is recommending a number of changes to Section 50-4 of the zoning ordinance, which outlines all of the definitions used in Chapter 50, as well as those used in the land use table in Section 50-107(a)(5).

Discussion included the revision of definitions for day care centers in Raytown, what members constitute a "household", and previous changes made to *vehicle repair, general* and *vehicle repair, limited*.
7. Request for Public Comment- None
8. Additional Staff Comments and Recommendation- Staff recommends approval of the text amendment.
9. Board Discussion- None.
10. Close Public Hearing- Mr. Bettis closed the Public Hearing.
11. Board Decision to Approve, Conditionally Approve or Deny the Application.
 - a. Motion- Mr. Robinson made a motion to approve the application.
 - b. Second- Ms. Hartwell seconded Mr. Robinson's motion.
 - c. Additional Board Discussion- None.
 - d. Vote- Motion passed unanimously, 6-0.

6. Other Business

A. Presentation to Planning and Zoning Commission on Comprehensive Plan Update- Scott Peterson, Planning and Zoning Coordinator- No presentation was given due to several Planning Commission members being absent.

7. Planning Projects Report- None.

8. Set Future Meeting Date – March 2, 2017

9. Adjourn

CITY OF RAYTOWN
Request for Board Action

Date: February 28, 2017
To: Mayor and Board of Aldermen
From: Scott Peterson, Planning and Zoning Coordinator

Bill No. 6439-17
Section No.: XIII

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____

Action Requested: Conduct a public hearing to consider a text amendment to Section 50-4 of the Code of Ordinances of the City of Raytown.

Recommendation: The Planning & Zoning Commission, by a vote of 6 in favor and 0 against, is recommending approval of the application.

Analysis: As part of an ongoing review by city staff of the zoning ordinance (Chapter 50) of the Code of Ordinances of the City of Raytown, staff has revised the definitions section of the ordinance in order for it to more closely match the land use table, zoning districts and overlays, and for the general purposes of greater clarity and understanding. Outside of the *group homes* definition, which was added by staff and approved by the Planning and Zoning Commission in December and January, respectively, no new definitions have been added to the ordinance. All proposed changes are edits and corrections to existing definitions, as seen in the attached Staff Report from the February 2nd Planning and Zoning Commission meeting.

Alternatives: Alternatives to the recommendation of the Planning & Zoning Commission would be to:

1. Deny the text amendment application; or
2. Refer the application back to the Planning & Zoning Commission for reconsideration or further review.

Budgetary Impact: This application does not require the city to provide any funding.

Additional Reports Attached:

- Staff Report on this application for the February 2nd, 2017 Planning & Zoning Commission meeting.
- Minutes of the February 2, 2017 Planning & Zoning Commission meeting.

AN ORDINANCE AMENDING CHAPTER 50 (ZONING), SECTION 4 (DEFINITIONS), AND SECTION 50-107(a)(5) OF THE CODE OF ORDINANCES OF THE CITY OF RAYTOWN, FOR THE PURPOSE OF UPDATING ZONING DEFINITIONS IN THE ZONING ORDINANCE OF THE CITY OF RAYTOWN

WHEREAS, application PZ-2017-002, submitted by the City of Raytown, proposes to amend Section 50-4 and Section 50-107(a)(5) of the City of Raytown Zoning Ordinance relating to regulations governing public hearings that appear before the Planning and Zoning Commission; and

WHEREAS, after due public notice in the manner prescribed by law, the Planning and Zoning Commission held a public hearing on February 2, 2017 and by a vote of 6 in favor and 0 against recommended approval of the amendment to Section 50-4 and Section 50-107(a)(5) of the City of Raytown Zoning Ordinance; and

WHEREAS, after due public notice in the manner prescribed by law, the Board of Aldermen held public hearings on February 21, 2017, and March 7, 2017 and rendered a decision to approve the amendment to Section 50-4 and Section 50-107(a)(5) of the City of Raytown Zoning Ordinance.

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

SECTION 1 – APPROVAL OF AMENDMENTS. That Section 50-4, commonly known as “Definitions”, is hereby amended as provided in Section 2.

SECTION 2 – AMENDMENTS.

The following definitions are hereby adopted:

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:

~~*100-year flood. See Base flood.*~~

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

Accessory building means a detached building that is customarily incident to or subordinate to the main building located on the same tract or incidental or subordinate to the use of the land on which it is located.

Accessory use means the use of a building **or land** that is customarily incident to and located on the same lot or premises as the main use of the premises. A building housing an accessory 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.

~~Actuarial or risk premium rates means those rates established by the director of development and public affairs pursuant to individual community studies and investigations that are undertaken to provide flood insurance in accordance within section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.~~

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*.

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*.

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 ~~and public affairs~~ 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.

~~*Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~*Area of special flood hazard* means the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.~~

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% 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.

~~*Base flood* means a flood having a one percent chance of being equaled or exceeded in any given year.~~

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 ~~or~~ 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 lodginghouse 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 screenwire or lattice having at least 50 percent open area may be attached in the form of sidewalls.

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.

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. ~~Common open space must be substantially free of structures.~~

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 may be** primarily engaged in the retail sale of gasoline or other motor fuels, along with accessory activities such as the sale of lubricants, accessories **and supplies, or food** but shall not include the lubrication of motor vehicles, and the adjustment or repair of motor vehicles.

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* means an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term includes kindergartens, nursery schools and other similar programs regardless of auspices.~~

~~*Day care, commercial center* means a day care establishment that provides care, protection and supervision for ~~11~~ twenty (20) or more individuals children at any one time, ~~in~~ excluding those under the supervision or 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, general group home*, means a day care center an establishment that provides care, protection and supervision for ~~seven to ten~~ eleven (11) to twenty (20) individuals children at any one time, ~~in~~ excluding those under the supervision or 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, limited family home*, means a day care center that provides care, protection and supervision for not more than ten (10) ~~six or fewer~~ individuals children at any one time, not including those related to under the supervision or custody of the day care provider, and licensed by the State of Missouri for five (5) 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.

~~Elevated building, for flood insurance purposes, means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.~~

~~Existing construction, for the purposes of determining flood insurance rates, means structures for which the start of construction commenced before the effective date of the flood insurance rate map (FIRM) or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."~~

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.

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 curbside 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.

~~Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~(1) The overflow of inland or tidal waters.~~
- ~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~Flood insurance rate map (FIRM) means an official map of a community, issued by the federal flood insurance administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.~~

~~Flood insurance study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.~~

~~*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

~~*Floodway fringe* means the area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).~~

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.

~~*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. The term "freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings and the hydrological effect of urbanization of the watershed.~~

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, auto repair,* means any building or premise used for the storage, care or repair of motor vehicles which is operated for commercial purposes.~~

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*.

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 (9) 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 occupation means any occupation or business activity conducted for financial gain that results in a product or service and is conducted in whole or in part in the dwelling unit, and is clearly subordinate to the residential use of the dwelling unit.

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.

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.

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 community development director ~~of development and public affairs~~ 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 ~~community development~~ director ~~of development and public affairs~~ 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.

~~*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of these regulations.~~

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. ~~For floodplain management purposes~~ 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 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.

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

Modular home means ~~a structure, transportable in more than one section, that is not built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. Such structure shall conform to the provisions of the applicable building code at the time of its construction. Such structure will be allowed anywhere that site-built housing is a permitted use~~ 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.

New construction means ~~for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.~~

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.

Nonconforming lot of record means ~~an unimproved~~ a lot that does not comply with the lot area and yard regulations requirements 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 ~~and public affairs~~ 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.

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.

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.

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.

~~*Regulatory flood elevation* means the water surface elevation of the 100-year flood.~~

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.

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 ~~outside~~ ~~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.

~~*Special flood hazard area. See Area of special flood hazard.*~~

Start of construction, for floodplain management purposes, 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. **Permanent 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. ~~For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For flood insurance purposes, a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation; the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such~~

~~construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.~~

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 ~~and public affairs~~ 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.

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 ~~planning commission~~ **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 ~~excluding the use of land~~, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. ~~For the purposes of the floodplain overlay district, a variance is a grant of relief to a person from the requirements of the floodplain overlay district 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~~ 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 a use providing automobile repair or maintenance services within completely enclosed buildings, but not including general vehicle repair services~~ 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)

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

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

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

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 7th day of March, 2017.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Joe Willerth, City Attorney

STAFF REPORT

TO: The City of Raytown Planning and Zoning Commission
FROM: Scott Peterson, Planning and Zoning Coordinator
DATE: FEBRUARY 2, 2017
Subject: Agenda Item No. 5.B: Public Hearing to consider text amendments to the City of Raytown Zoning Ordinance, Chapter 50, Article I, Section 50-4 and Section 50-107(a)(5) of the Code of Ordinances of the City of Raytown.

As part of an ongoing review by city staff of the zoning ordinance (Chapter 50) of the Code of Ordinances of the City of Raytown, staff has revised the definitions section of the ordinance in order for it to more closely match the land use table, zoning districts and overlays, and for the general purposes of greater clarity and understanding. Outside of the *group homes* definition, which was added by staff and approved by the Planning and Zoning Commission in December and January, respectively, no new definitions have been added to the ordinance. All proposed changes are edits and corrections to existing definitions. The sections have been revised to read as follows, with red text indicating the proposed changes to the ordinance. Items that have been ~~crossed-out in red text~~ indicate items that have been removed:

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:

~~100-year flood. See Base flood.~~

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

Accessory building means a detached building that is customarily incident to or subordinate to the main building located on the same tract or incidental or subordinate to the use of the land on which it is located.

Accessory use means the use of a building that is customarily incident to and located on the same lot or premises as the main use of the premises. A building housing an accessory 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.

~~*Actuarial or risk premium rates* means those rates established by the director of development and public affairs pursuant to individual community studies and investigations that are undertaken to provide flood insurance in accordance within section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.~~

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*.

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*.

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 **and public affairs** 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.

~~*Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~*Area of special flood hazard* means the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.~~

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% of the revue, 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.

~~*Base flood* means a flood having a one percent chance of being equaled or exceeded in any given year.~~

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 ~~or 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 lodginghouse 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 screenwire or lattice having at least 50 percent open area may be attached in the form of sidewalls.

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.

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. ~~Common open space must be substantially free of structures.~~

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 may be** primarily engaged in the retail sale of gasoline or other motor fuels, along with accessory activities such as the sale of lubricants, accessories **and** supplies, ~~or food~~ but shall not include the lubrication of motor vehicles, and the adjustment or repair of motor vehicles.

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* means an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term includes kindergartens, nursery schools and other similar programs regardless of auspices.~~

~~*Day care, commercial center* means a day care establishment that provides care, protection and supervision for ~~at least~~ **twenty (20)** or more **individuals children** at any one time, **in excluding** those under the **supervision or** 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, general group home*, means ~~a day care center~~ an establishment that provides care, protection and supervision for ~~seven to ten~~ **eleven (11) to twenty (20) individuals children** at any one time, **in excluding** those under the **supervision or** 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, limited family home*, means a day care center that provides care, protection and supervision for ~~not more than ten~~ **six or fewer individuals children** at any one time, **not including** those related to ~~under the supervision or custody of~~ the day care provider, **and licensed by the State of Missouri for five (5) 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.

~~*Elevated building, for flood insurance purposes, means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.*~~

~~*Existing construction, for the purposes of determining flood insurance rates, means structures for which the start of construction commenced before the effective date of the flood insurance rate map (FIRM) or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."*~~

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.

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 curbside 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.

~~*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(1)~~

~~The overflow of inland or tidal waters.~~

~~(2)~~

~~The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~*Flood insurance rate map (FIRM)* means an official map of a community, issued by the federal flood insurance administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.~~

~~*Flood insurance study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.~~

~~*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

~~*Floodway fringe* means the area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).~~

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.

~~*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. The term "freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings and the hydrological effect of urbanization of the watershed.~~

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, auto repair*, means any building or premise used for the storage, care or repair of motor vehicles which is operated for commercial purposes.~~

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*.

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 (9) 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 occupation means any occupation or business activity conducted for financial gain that results in a product or service and is conducted in whole or in part in the dwelling unit, and is clearly subordinate to the residential use of the dwelling unit.

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.

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.

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 development and public affairs 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 development and public affairs 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.

~~*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of these regulations.~~

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. ~~For floodplain management purposes~~ 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 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.

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

~~*Modular home* means a structure, transportable in more than one section, that is not built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. Such structure shall conform to the provisions of the applicable building code at the time of its construction. Such structure will be allowed anywhere that site-built housing is a permitted use 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.~~

~~*New construction* means for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the city and includes any subsequent improvements to such structures.~~

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.

Nonconforming lot of record means ~~an unimproved~~ a lot that does not comply with the lot ~~area and yard regulations requirements~~ 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 ~~and public affairs~~ 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.

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.

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.

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.

~~*Regulatory flood elevation* means the water surface elevation of the 100-year flood.~~

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.

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 ~~outside~~ ~~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.

~~*Special flood hazard area. See Area of special flood hazard.*~~

Start of construction, for floodplain management purposes, 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. **Permanent 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. ~~For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For flood insurance purposes, a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation; the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.~~

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 and public affairs 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.

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 ~~planning commission~~ **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, ~~excluding the use of land~~, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done, ~~For the purposes of the floodplain overlay district, a variance is a grant of relief to a person from the requirements of the floodplain overlay district 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~~ 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 a use providing automobile repair or maintenance services within completely enclosed buildings, but not including general vehicle repair services~~ 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)

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission approve the proposed text amendments to Section 50-4 and Section 50-107(a)(5) of the Code of Ordinances of the City of Raytown.

DRAFT
MINUTES
CITY OF RAYTOWN
PLANNING AND ZONING COMMISSION MEETING

February 2, 2017
Raytown City Hall
Board of Aldermen Chambers
10000 East 59th Street
Raytown, Missouri 64133

7:00 pm

1. Welcome by Chairperson- Mr. Tommy Bettis, Vice-Chairman, served as the Chairman in Mr. Kevin Wilson's absence.

2. Call meeting to order and Roll Call.

Wilson: Absent	Jimenez: Absent	Stock: Present
Bettis: Present	Robinson: Present	Lightfoot: Present
Hartwell: Present	Dwight: Present	Meyers: Absent

3. Approval of minutes – December 01, 2016 meeting

- a. Revisions- None
- b. Motion- Ms. Stock made a motion to approve the December 01 minutes.
- c. Second- Ms. Hartwell made a second to Ms. Stock's motion.
- d. Additional Board Discussion- None.
- e. Vote- Motion passed unanimously 6-0.

4. Old Business – None

5. New Business:

A. Application: Public Hearing to consider a Conditional Use Permit for a vehicle repair, general establishment at 8832 E 350 Highway.

Case No.: PZ-2017-001

Applicant: City of Raytown

1. Introduction of Application by Chair- Mr. Bettis introduced the application.
2. Open Public Hearing- Mr. Bettis opened the Public hearing.
3. Explain Procedure for a Public Hearing and swear-in speakers- Mr. Willerth swore in those wishing to speak for or against the application.
4. Enter Additional Relevant City Exhibits into the Record:
 - a. Conditional Use Permit Application submitted by applicant
 - b. Publication of Notice of Public Hearing in Daily Record Newspaper
 - c. Public Hearing Notices mailed to property owners within 185-feet of subject property.

- d. City of Raytown Zoning Ordinance, as amended
 - e. City of Raytown Comprehensive Plan
 - f. Staff Report on application for February 2, 2017 Planning & Zoning Commission meeting
5. Explanation of any exparte' communication from Commission members regarding the application- None.
 6. Introduction of Application by Staff- Mr. Peterson introduced the application. Mr. Edward Golden is seeking a conditional use permit to operate a vehicle repair, general establishment at 8832 E 350 Highway. Mr. Peterson stated that due to the land use table this type of establishment requires a conditional use permit to operate on a property zoned Highway Corridor Commercial (HC).
 7. Request for Public Comment- Mr. Edward Golden spoke on behalf of his application. He stated that he has read and agrees to the staff recommendations for the application. Mr. Golden stated that he does not store vehicles outside anyways for fear of vandalism and theft. Mr. Golden stated that the previous tenant of the building was a gun store, so the building is already properly equipped for the ventilation needed for auto paint and repair.
 8. Additional Staff Comments and Recommendation- Staff recommended approval of the Conditional Use Permit subject to the following conditions:
 1. All vehicles used, repaired, or painted throughout the course of business be stored indoors at all times while on the property.
 2. Compliance with all applicable local, state and federal laws and ordinances.
 9. Board Discussion- None.
 10. Close Public Hearing- Mr. Bettis closed the public hearing.
 11. Board Decision to Approve, Conditionally Approve or Deny the Application.
 - a. Motion- Ms. Stock made a motion to approve the application subject to staff recommendations.
 - b. Second-Mr. Lightfoot made a second to Ms. Stock's motion.
 - c. Additional Board Discussion- None.
 - d. Vote- Motion passed unanimously 6-0.

B. Application: Public Hearing to consider text amendments to the City of Raytown Zoning Ordinance, Chapter 50, Article I, Section 50-4 and Section 50-107(a)(5) of the Code of Ordinances of the City of Raytown.

Case No.: PZ-2017-002

Applicant: City of Raytown

1. Introduction of Application by Chair- Mr. Bettis introduced the application.
2. Open Public Hearing- Mr. Bettis opened the public hearing.
3. Explain Procedure for a Public Hearing and swear-in speakers-
4. Enter Additional Relevant City Exhibits into the Record:
 - a. Publication of Notice of Public Hearing in Daily Record Newspaper.
 - b. City of Raytown Zoning Ordinance, as amended
 - c. City of Raytown Comprehensive Plan
 - d. Staff Report on application for February 2, 2017 Planning & Zoning Commission meeting

5. Explanation of any exparte' communication from Commission members regarding the application- None.
6. Introduction of Application by Staff- Mr. Peterson introduced the application. Staff is recommending a number of changes to Section 50-4 of the zoning ordinance, which outlines all of the definitions used in Chapter 50, as well as those used in the land use table in Section 50-107(a)(5).

Discussion included the revision of definitions for day care centers in Raytown, what members constitute a "household", and previous changes made to *vehicle repair, general* and *vehicle repair, limited*.
7. Request for Public Comment- None
8. Additional Staff Comments and Recommendation- Staff recommends approval of the text amendment.
9. Board Discussion- None.
10. Close Public Hearing- Mr. Bettis closed the Public Hearing.
11. Board Decision to Approve, Conditionally Approve or Deny the Application.
 - a. Motion- Mr. Robinson made a motion to approve the application.
 - b. Second- Ms. Hartwell seconded Mr. Robinson's motion.
 - c. Additional Board Discussion- None.
 - d. Vote- Motion passed unanimously, 6-0.

6. Other Business

A. Presentation to Planning and Zoning Commission on Comprehensive Plan Update- Scott Peterson, Planning and Zoning Coordinator- No presentation was given due to several Planning Commission members being absent.

- 7. Planning Projects Report-** None.
- 8. Set Future Meeting Date –** March 2, 2017
- 9. Adjourn**

CITY OF RAYTOWN
Request for Board Action

Date: March 1, 2017
To: Mayor and Board of Aldermen
From: Tom Cole, City Administrator

Bill No.: 6440-17
Section No.: XXXVI

Department Head Approval: _____

Finance Director Approval: _____ (only if funding requested)

City Administrator Approval: _____



Action Requested: Approval of an Amendment to the 353 Tax Abatement Agreement providing real property tax abatement for the interior and exterior renovations/redevelopment of property located at 5902 Blue Ridge Blvd. in the City of Raytown, Missouri.

Analysis: Wanda Mullins is seeking approval of a Chapter 353 Tax Abatement application for renovations to the property for use as a bakery.

Chapter 353 Tax Abatement is an economic incentive that by state law allows for full or partial tax relief for those willing to redevelop property within blighted areas. The intent of the Raytown Municipal Redevelopment Corporation (RMRC) is to strengthen the economic viability of the Downtown Raytown area by providing an innovative financial incentive for improving the exterior appearance, interior and structural conditions of its buildings.

The RMRC Board of Directors has recommended approval of the application for Chapter 353 tax abatement at Level A "Market Stabilizing" for the property located at 5902 Blue Ridge Blvd. The abatement level is 10 years of tax abatement at 100% (on the improvement value), or for the cost of the improvements, whichever occurs first.

Project Description:

The submitted application indicates the type of improvements proposed and the estimated costs will include:

- Interior Finish: \$12,000
- Detention Pond: \$16,000
- Parking Lot: \$31,000
- HVAC: \$9,989
- Hot Water Tank: \$700
- Equipment: \$4,500
- Total: \$74,189

The project meets the requirements of the City's Chapter 353 Tax Abatement Policy. A copy of the requirements is included in the applicant's application.

Please note, Chapter 353 is not an economic development incentive designed to spur new jobs or capital investment, but rather emphasizes the removal of blight. As this project will dramatically improve/enhance the appearance of the building, staff and the RMRC believes the project achieves the desired impact from the program.

Fiscal Impact: During the course of the 10-Year Tax Abatement, the following jurisdictions will be impacted at the amount shown:

• Raytown School District	\$ 9,518.71
• Raytown Fire District	\$ 1,469.38
• Jackson County	\$ 756.83
• City of Raytown	\$ 797.19
• Handicap Workshop	\$ 111.15
• Mental Health	\$ 180.89
• Junior College	\$ 352.28
• Library	\$ 474.88
• Blind	\$ 45.18
• Replacement Tax	<u>\$ 2,164.30</u>
TOTAL	\$15,870.79

Budgetary Impact

Not Applicable

AN ORDINANCE ADOPTING AND APPROVING THE NINTH AMENDED DEVELOPMENT PLAN SUBMITTED BY THE RAYTOWN MUNICIPAL REDEVELOPMENT CORPORATION, ESTABLISHING A DECLARATION THAT THE REDEVELOPMENT AREA DESCRIBED WITHIN THE NINTH AMENDED DEVELOPMENT PLAN IS A BLIGHTED AREA IN NEED OF DEVELOPMENT AND REDEVELOPMENT, AND AUTHORIZING CERTAIN TAX ABATEMENTS WITHIN THE REDEVELOPMENT AREA DESCRIBED WITHIN THE NINTH AMENDED DEVELOPMENT PLAN

WHEREAS, the Raytown Municipal Redevelopment Corporation ("Redevelopment Corporation"), an Urban Redevelopment Corporation organized under and pursuant to the Urban Redevelopment Corporations Law of 1945, as amended, did file with the City of Raytown, Missouri, the Ninth Amended Development Plan ("Ninth Amended Development Plan") for approval which contemplates the development and redevelopment of an area described in it as the "Redevelopment Area"; and

WHEREAS, 1) due notice was given to each political subdivision whose boundaries for ad valorem taxation purposes included any portion of the real property included within the Redevelopment Area and 2) the Raytown Board of Aldermen ("Board") held a public hearing; and

WHEREAS, in connection with the public hearing on the Ninth Amended Development Plan, the Board also considered a Blight Study for the Redevelopment Area described within the Ninth Amended Development Plan and also considered other evidence and testimony in connection with the existence of blighted conditions with the Redevelopment Area, the means by which the Ninth Amended Development Plan would be implemented and the granting of tax abatement within the Redevelopment Area as authorized by law.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, as follows:

SECTION 1 – NOTICE. The Board finds that all notices, legal or accommodating, have been given to all interested parties as such notices may be required to be given by law.

SECTION 2 – DEVELOPMENT PLAN. The Board has reviewed, considered and taken evidence on the Ninth Amended Development Plan of Raytown Municipal Redevelopment Corporation for the redevelopment of the City of Raytown Central Business District, which is attached hereto and incorporated by this reference as though fully set out.

SECTION 3 – FINDINGS. The Board does hereby find that:

a. The Redevelopment Area described within the Ninth Amended Development Plan on the whole is a blighted area and is suffering from obsolescence due to age, is of an inadequate and outmoded design, has become an economic and social liability, is unable to pay a reasonable level of taxes, and is therefore blighted within the meaning of the Missouri Urban Redevelopment Corporations Law, § 353.020(2), RSMo.

b. The Board has previously found, after considering the Blight Study conducted by James Askew & Associates dated April 10, 2006 (on file with the City Clerk and incorporated herein by this reference) that the Redevelopment Area as described in the Ninth Amended Development Plan is blighted, and such finding is affirmed.

SECTION 4 – CONTENTS OF PLAN. The Board finds that the Ninth Amended Development Plan sets forth in writing the program to be undertaken to accomplish the redevelopment objectives described therein and the redevelopment objectives and purposes of the Urban Redevelopment Corporations Law.

SECTION 5 – ADOPTION OF PLAN. The Board does hereby adopt and approve the Ninth Amended Development Plan submitted by RMRC in its entirety. The approval of the Ninth Amended Development Plan and the development, redevelopment and construction in the Redevelopment Area is necessary for the preservation of the public peace, prosperity, health, safety, morals and welfare of the City of Raytown, Missouri.

SECTION 6 – TAX ABATEMENT. Raytown Municipal Redevelopment Corporation, or its successors and assigns, all in accordance with Chapter 353, RSMo, as amended, is hereby granted tax abatement on land improvements that shall apply to RMRC or its successors and assigns, as more particularly described within the Ninth Amended Development Plan.

SECTION 7 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 9 – EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND APPROVED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this ____ day of March, 2017.

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

APPROVED AS TO FORM:

Joe Willerth, City Attorney

RAYTOWN MUNICIPAL REDEVELOPMENT CORPORATION
NINTH AMENDED DEVELOPMENT PLAN

DEVELOPMENT PLAN

1. Introduction

The Raytown Municipal Redevelopment Corporation ("RMRC") was formed on September 19, 2007 to serve as a tool to bring about the revitalization of the downtown area of Raytown. Stock in the corporation is owned wholly by the City of Raytown and the corporation is managed by a board of directors. The purpose of the corporation is to provide a streamlined, cost-effective means for individual property owners to obtain partial tax abatement on their downtown properties in return for making improvements.

The RMRC desires the availability of property tax abatement for the Redevelopment Area for the purposes of stimulating reinvestment, both economic and otherwise, into the Central Business District. It is anticipated that the RMRC will (i) work with the current owners of property within the Redevelopment Area to promote and encourage their reinvestment in their property in exchange for property tax abatement, and (ii) work with prospective new owners to encourage new investment in existing or new buildings in the Redevelopment Area. It is further anticipated that the RMRC will only acquire property briefly so as to qualify the redevelopment project for tax abatement, and then the RMRC will assign certain tax abatement rights to property owners who make improvements to their property. Each development plan will require approval by the Board of Aldermen in order to secure the benefits available under Missouri's Urban Redevelopment Corporations Law, Chapter 353, RSMo, as amended. Property will be conveyed to the RMRC and immediately reconveyed back to the original property owner, triggering the tax abatement rights.

2. Redevelopment Area

The Redevelopment Area currently includes residential, commercial and retail uses and its character can be generally described as mixed-use. Within the Redevelopment Area there are some predominately residential blocks featuring both multi-family and single-family dwellings. There also exists mixes of residential, retail and office which have evolved over time as many residences within the neighborhood were converted to other uses.

A majority of the improvements, both public and private, within the Redevelopment Area are at least 40 years old. As such, many of the commercial properties in the area have lost their vitality and many of the residential structures have fallen into various states of disrepair, losing appeal and functionality in the market. Most of the properties in the Redevelopment Area require modernization in order to retain reasonable and competitive utility and viability in comparison to other suburbs throughout the metropolitan region.

3. Redevelopment Projects

The Redevelopment Area will have within it many redevelopment projects, the number, location and construction details of which cannot be predicted at this time. The following are the current projects:

Redevelopment Project 1(a). 6109-6111 Blue Ridge Boulevard (2008 Jackson County Parcel No. 45-120-11-08-00-0-00-000). Owners: Jeffrey and Diane Page. This project consists of parking lot resurfacing, new roof and siding, interior and exterior renovation at a cost of approximately \$190,000.00.

Redevelopment Project 1(b). 6326 Raytown Road (2008 Jackson County Parcel No. 45-240-08-11-01-0-00-000). Owner: Cary Properties LLC. This project generally consists of complete interior renovation and facade improvements at a cost of approximately \$57,000.

Redevelopment Project 1(c). 9711-9715 E. 63rd Street (2008 Jackson County Parcel No. 45-240-06-35-00-0-00-000). Owner: Pamela G. Clark McKinley, Trustee. This project generally consists of interior and exterior renovations including new siding, hand railings, front windowpanes, lighting and drop ceiling at a cost of approximately \$37,000.

Redevelopment Project 2(a). 10200 East 63rd Terrace (2010 Jackson County Parcel No. 45-130-04-13-00-0-00-000). Owner LEM Contracting LLC (Joe Medlin). This project generally involves repairing the structure which has been damaged by fire and then lease the building as office space. Building rehabilitation costs are estimated to be \$50,000.

Redevelopment Project 2(b) as revised. 6323 Raytown Road (2010 Jackson County Parcel No. 45-130-05-08-00-0-00-000). Owner: J. Guenther Keating, LLC. The project as originally approved involved renovating the existing the building into a restaurant. The revised project, due to unknown building structural issues, now involves replacing the old building footprint and adding 160 square feet of additional space for a new hot dog restaurant. Project costs are still estimated to be \$78,000.

Redevelopment Project 3(a). 10409 East 63rd Street (2010 Jackson County Parcel No. 45-130-20-01-00-0-00-000). Owner: Shop T1 Services, Inc. This structure has undergone a major renovation, such as: plaster perimeter, interior walls and insulate; replace HVAC and duct work; replace windows; tear off and rebuild roof on north end; new exterior staircase, new drywall; interior and exterior paint. Total project costs: \$40,150.

Redevelopment Project 4(a). 6300 Evanston (2010 Jackson County Parcel No. 45-240-04-01-00-0-00-000). Owner: DCB Properties, LLC. This project was a total demolition and reconstruction of offices, open work area, rest rooms, kitchen and storage area. The exterior was refaced, new windows were installed, new roof installed with gable roofs and overhangs and new rock pillars were constructed. A wood porch and deck were constructed on the front and a concrete patio was poured in the back, along with new concrete steps to allow access to the front from the parking lot. Eligible project costs: 98,704.

Redevelopment Project 4(b). 6134-6204 Raytown Trafficway (2010 Jackson County Parcel Nos. 45-210-03-26-00-0-00-000 & 45-20-03-023-00-0-00-000 & 45-210-03-17-02-0-00-000). Owner: AHG, Inc. This project will involve the renovation, remodeling and subdividing of an existing former grocery store (approximately 31,605 square feet) and create two (2) new retail storefronts. The intent is for the grocery store to occupy about 16,000 square feet of the southern portion of the space, while the remainder of the space will be “white-boxed” for a new

tenant. It is estimated that the grocery store will add 16 permanent jobs. Eligible project costs: \$1,218,786.

Redevelopment Project 5(a-1). 6020 Blue Ridge Blvd. (Jackson County Parcel No. 45-120-03-35-00-0-00-000). Owners: Marvin B. Russell & Michelle Russell. This project consists of the NewzRoom Café, a locally owned restaurant. Eligible project costs: \$87,940.

Redevelopment Project 5(a). 10014 E. 63rd Street (Jackson County Parcel No. 45-120-09-17-00-0-00-000). Owner: Sue Frank. This project consists of installing a false parapet on the front of the building, including awnings and new signage and giving the appearance of being two stories. A cornice will be installed to support new signage on the back (north) and an awning over the door. Eligible project costs: \$35,000.

Redevelopment Project 6(a). 9503 E. 63rd St. (Jackson County Parcel No. 45-240-04-39-00-0-00-000). Owner: Spartan Properties LLC. This project consists of office renovation of the two buildings located on the parcel. Eligible project costs: \$194,700.

Redevelopment Project 7(a). 5902 Blue Ridge Blvd. Owner: Wanda Mullins. This project consists of renovation of the property for use as a bakery. Eligible project costs: \$74,189.

The Redevelopment Projects are within a larger area that has been determined by the Board of Aldermen to be blighted and the clearance, replanning, rehabilitation or reconstruction of certain portions of the Redevelopment Area to be necessary to effectuate the purposes of the Urban Redevelopment Corporations Law. Applications for Redevelopment Projects 1(a) through 5(a) are on file with the City Clerk.

4. Tax Abatement.

Redevelopment Project 7(a) is hereby granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 6(a) has been granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 5(a) has been granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 5(a-1) has been granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 4(b) has been granted 10 years of tax abatement at 100% (improvements only) and 15 years of tax abatement at 50% (land and improvements).

Redevelopment Project 4(a) has been 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 3(a) has been granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 2(a) has been granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first. Redevelopment Project 2(b) has already been granted 10 years of tax abatement at 100% or for the cost of the improvements, whichever occurs first.

Redevelopment Project 1(a) has been granted 10 years of tax abatement at 100% and 5 years of tax abatement at 50%; Redevelopment Project 1(b) has already been granted 10 years of tax abatement at 100% and 2 years of tax abatement at 50%; Redevelopment Project 1(c) has already been granted 10 years of tax abatement at 100%.

As provided for by Chapter 353, RSMo, the abatement for the first 10 years is 100% of the improvements (land is still taxed normally) as assessed in the year prior to the property's acquisition by RMRC. Under Section 353.110.2, for the next fifteen year period, the abatement is 50% of the land *and* improvement value. The granting of the tax abatements are conditioned on the owners executing with RMRC a Memorandum of Understanding in a form acceptable to RMRC.

5. Eminent Domain.

The RMRC is not granted the power of eminent domain.

6. Relocation Policy.

The RMRC will comply with all requirements concerning the provision of relocation assistance as provided for by Chapter 523, RSMo.

EXHIBITS

1. Legal Description of Redevelopment Area
2. Tax Impact Analysis (for Redevelopment Project 7(a))
3. Application (Redevelopment Project 7(a); 5902 Blue Ridge Blvd.)

Exhibit 1

All that part of ADLER'S HIGH VIEW ADDITION, BLUECREST, WAIGHTS RESURVEY of BLUECREST, HALL'S 2nd ADDITION TO RAYTOWN, HALL'S ADDITION TO RAYTOWN, ROSS ACRES, RESURVEY Tract 2 J.J. ROBINSON FARM, MUIRSMITH ADDITION, RAYTOWN LANDING, ASKANAS PARK A Resurvey of Lots in ASKANAS HEIGHTS and ASKANAS HEIGHTS, subdivisions lying in Section 5 and Section 4, Township 48 North, Range 32 West, in Raytown, Jackson County, Missouri, described as follows:

BEGINNING at the Northeast corner of the Northeast Quarter of said Section 5; thence West along the North line of said Northeast Quarter, a distance of 1358.16 feet to a point on the East line of ADLER'S HIGH VIEW ADDITION; thence North along the East line of said ADLER HIGH VIEW ADDITION a distance of 37.09 feet to a point; thence West along the North line of said ADLER'S HIGH VIEW ADDITION a distance of 127.14 feet to the Northwest corner of Lot 1 of said ADLER'S HIGH VIEW ADDITION; thence South along the West line of said Lot 1 a distance of 227.44 feet to the Southwest corner thereof, said point also lying on the North line of Lot 2 of said ADLER'S HIGH VIEW ADDITION; thence West along the North line of said Lot 2 a distance of 77.26 feet to the Northwest corner thereof; thence South along the West line of Lots 2 through 11 of said ADLER'S HIGH VIEW ADDITION a distance of 832.16 feet to a point on the North right of way line of 60th Terrace; thence Northwesterly along the North right of way line of 60th Terrace a distance of 107.49 feet to a point; thence South a distance of 264.32 feet to a point on the South line of said ADLER'S VIEW HIGH ADDITION; thence West along the South line of said ADLER'S VIEW HIGH ADDITION a distance of 657.03 feet to a point on the East line of BLUE RIDGE SLOPES LOTS 37 to 58, INCLUSIVE a subdivision in Raytown, Jackson County, Missouri; thence South along the East line of said BLUE RIDGE SLOPES LOTS 37 to 58, INCLUSIVE a distance of 1412.96 feet to point on the North right of way line of 63rd Street; thence West along the North right of way line of 63rd Street a distance of 339.25 feet to a point; thence South a distance of 355.22 feet to a point; thence Southeasterly a distance of 222.71 feet to a point on the Northerly right of way line of 63rd Terrace; thence Northwesterly along a curve to the right having a Radius of 35.00 feet, through a central angle of 80 degrees 03 minutes 04 seconds with an arc length of 48.90 feet to the Southwest corner of Lot 6, WAIGHTS RESURVEY of BLUECREST; thence East along the South line of said Lot 6 a distance of 125.25 feet to the Southwest corner of Lot 5 of said WAIGHTS RESURVEY of BLUECREST; thence Northeasterly a distance of 487.45 feet to the Southeast corner of Lot 7, BLUECREST; thence Northeasterly a distance of 283.17 feet to Southeast corner of Lot 5, BLUECREST; thence East a distance of 443.31 feet to the Southeast corner of Lot 1, BLUECREST, said point also lying on the Easterly right of way line of Evanston Avenue; thence Southwesterly along a curve to the right, having a radius of 2225.00 feet, through a central angle of 2 degrees 13 minutes 25 seconds an arc distance of 86.35 feet to a point; thence Southwesterly along a curve to the right, having a radius of 104.99 feet, through a central angle of 84 degrees 20 minutes 05 seconds an arc distance of 154.54 feet to a point; thence South a distance of 237.33 feet to a point on the Westerly prolongation of the common line for Lots 4 and 5 of said BLUECREST; thence Easterly along said common line for Lots 4 and 5 a

distance of 332.18 feet to a point on the East line of said BLUECREST; thence North along the East line of said BLUECREST a distance of 169.55 feet to the common corner of Lots 12 and 13 of said HALLS 2nd Addition; thence East along the common line for said Lots 12 and 13 a distance 150.00 feet to a point on the West right of way line of Harold Avenue; thence South along the said West right of way line of Harold Avenue a distance of 452.14 feet to the intersection and prolongation of the South right of way line of 64th Terrace; thence East along the prolongation of said South right of way line a distance of 520.35 feet to a point on the West right of way line of the Chicago Rock Island and Pacific Railroad; thence Southerly along West line of said Chicago Rock Island and Pacific Railroad a distance of 382.62 feet to a point on the East right of way line of Raytown Road; thence North along the East right of way line of said Raytown Road a distance of 567.68 feet to a point on the South right of way of Cedar Avenue; thence East along the said South line of Cedar Avenue a distance of 119.30 feet to a point; thence continuing along said right of way line, Northeasterly along a curve to the left having a Radius of 342.36 feet, through a central angle of 16 degrees 48 minutes 27 seconds with an arc length of 100.43 feet to a point; thence continuing along said right of way line, Northeasterly along a curve to the left having a Radius of 330.72 feet, through a central angle of 33 degrees 36 minutes 41 seconds with an arc length of 194.01 feet to a point; thence continuing along said right of way line, Northeasterly along a curve to the left having a Radius of 242.57 feet, through a central angle of 17 degrees 10 minutes 19 seconds with an arc length of 72.70 feet to a point; thence continuing along said right of way line, Northeasterly along a curve to the left having a Radius of 242.93 feet, through a central angle of 17 degrees 22 minutes 19 seconds with an arc length of 73.66 feet to a point; thence continuing North along the East right of way line of said Cedar Avenue a distance of 190.70 feet to a point on the North right of way line of 63rd Terrace; thence East along the said North right of way line of 63rd Terrace, a distance of 100.32 feet to a point; thence continuing along said North right of way line, Southeasterly along a curve to the left having a Radius of 4864.53 feet, through a central angle of 3 degrees 38 minutes 36 seconds with an arc length of 309.33 feet to a point on the East line of said MUIRSMITH ADDITION; thence continuing East along said North right of way line a distance of 569.89 feet to a point on the West right of way line of Willow Street; thence North along the said West right of way line a distance of 293.11 feet to a point; thence North a distance of 72.78 feet to a point on the North Right of way line of 63rd Street; thence West along the said North right of way a distance of 235.48 feet to a point on the East line of RAYTOWN LANDING; thence North along the said East line a distance of 189.81 feet to a point; thence continuing East along said East line a distance of 75.25 feet; thence continuing North along said East line a distance of 408.21 feet to the Southwest corner of HODGE'S GARDENS and the common corner to Lots 11 and 12; thence Northeasterly along the common line for Lots 11 and 12 a distance of 264.06 feet to a point on the South right of way line of 61st Street Terrace; thence Northeast a distance of 73.86 feet to a point on the North right of way line of said 61st Street Terrace; thence East along the said North right of way line a distance of 208.62 feet to a point; thence Northeast along a curve to the left having a Radius of 25.04 feet, through a central angle of 88 degrees 37 minutes 28 seconds with an arc length of 38.73 feet to a point on the West right of way line of Willow Avenue; thence North along the West right of way line of said Willow Avenue a distance of 537.98 feet to a point on the South right of way

line of 60th Terrace; thence West along the said South right of way line of 60th Terrace a distance of 217.25 feet to a point; thence West a distance of 49.82 feet to a point on the West right of way line of Hardy Street; thence South along the West right of way line of Hardy Street a distance of 91.59 feet to a point on the North right of way line of 61st Street; thence West along said North right of way line of 61st Street a distance of 1013.18 feet to a point on the West right of way line of Blue Ridge Blvd.; thence North along said West right of way line of Blue Ridge Blvd. a distance of 199.01 feet to a point; thence continuing along said West right of way line, Northeasterly along a curve to the right having a Radius of 16654.38 feet, through a central angle of 1 degrees 56 minutes 17 seconds with an arc length of 563.34 feet to a point; thence continuing along said West right of way line, Northeasterly along a curve to the right having a Radius of 4209.72 feet, through a central angle of 5 degrees 35 minutes 21 seconds with an arc length of 410.66 feet to a point; thence North along said West right of way line a distance of 177.87 feet to a point on the North line of the Northwest Quarter of said Section 4; thence West along the North line of the Northwest Quarter of said Section 4, a distance of 983.76 feet to the POINT OF BEGINNING, and containing 10,080,815 Square Feet and 231.424 acres more or less.

Exhibit 2

Exhibit 3

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is made between the Raytown Municipal Redevelopment Corporation, a Missouri corporation ("RMRC") and Wanda Thompson Mullins ("Owner"). RMRC and Owner may hereinafter collectively be referred to as "Parties."

RECITALS

- A. WHEREAS, to encourage the rehabilitation, improvements or redevelopment of property within a redevelopment area, Chapter 353, RSMo, provides that real estate taxes may be abated on redeveloped property for 10 years of the abatement period except in the amount assessed on the land,; and
- B. WHEREAS, Owner holds title to the real property commonly known as 5902 Blue Ridge Blvd., Raytown, Missouri (Jackson County Parcel No. 45-120-03-38-00-0-00-000); and
- C. WHEREAS, on **March 21, 2017**, the Raytown Board of Aldermen did adopt as an Ordinance, Bill No. , which, among other things, adopted and approved the RMRC's Ninth Amended Development Plan ("Development Plan") and granted RMRC or its assigns certain tax abatement; and
- D. WHEREAS, the Property is located with the Development Plan's Redevelopment Area, and the Property is in accordance with the conditions of the Development Plan; and
- E. WHEREAS, this Memorandum describes the conditions under which RMRC will assign its rights to abatement of real estate taxes in accordance with the Development Plan.

AGREEMENT

Now, therefore, for and in consideration of the above recitals, the mutual promises, covenants, undertakings and understandings hereinafter set forth, and other good and valuable consideration, RMRC and Owner agree:

ARTICLE I

DEFINITIONS

"**Applicable Laws**" means all then applicable statutes, laws, rules, regulations, ordinances, decrees, writs, judgments, orders and administrative and judicial opinions enacted, promulgated and/or issued by any federal, state, county, municipal or local governmental, quasigovernmental, administrative or judicial authority, body, agency, bureau, department or tribunal.

"**Cure Period**" means a period of thirty (30) days after written notice is given by a nondefaulting party to the defaulting party of an Event of Default, as defined in Article IV of this MOU, during which time the defaulting party may cure any such Event of Default.

"**Force Majeure Conditions**" means a condition by reason of which the construction of the Project Improvements is prevented or materially impeded through no fault of the Owner, due to acts of God, extreme and extraordinary weather conditions, strikes, lockouts, labor troubles, inability to procure materials, failure of power, extreme and extraordinary governmental delay, riots or other events or circumstances beyond such party's control; provided, however that the Owner has given written notice to the RMRC of the existence of the condition reasonably promptly after first becoming aware of the condition.

"**Project**" or "**Project Improvements**" means - as occurring on the Property – the interior and exterior renovations involving interior finish, detention pond, parking lot, HVAC, hot water tank, and equipment, all to make the property suitable for a bakery.

"**Property**" means all of the real property commonly known as 5902 Blue Ridge Blvd., Raytown, Missouri (Jackson County Parcel No. 45-120-03-38-00-0-00-000), together with the rights, easements and appurtenances appertaining thereto.

ARTICLE II

REPRESENTATIONS

Section 2.01. The Owner makes the following representations as the basis for the undertakings on its part herein contained:

(a) The Owner has the authority to enter into the transactions contemplated by this MOU and to carry out its obligations hereunder.

(b) The execution and delivery of this MOU, the consummation of the transactions contemplated hereby, and the performance of or compliance with the terms and conditions of this MOU will not conflict with or result in a breach of any of the terms, conditions or provisions of, or constitute a default under, any restriction or any agreement or instrument to which the Owner is a party or by which it or any of its property is bound or any order, rule or regulation applicable to the Owner or any of its property of any court or governmental body, or result in the creation or imposition of any prohibited lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the Owner under the terms of any instrument or agreement to which the Owner is a party.

(c) There is no litigation or proceeding pending or threatened against the Owner or any other person affecting the right of the Owner to execute or deliver this MOU or to comply with its obligations under this MOU. Neither the execution and delivery of this MOU by the Owner, nor compliance by the Owner with its obligations

under this MOU require the approval of any regulatory body, or any other entity, which approval has not been obtained.

ARTICLE III

TAX ABATEMENT CONDITIONS

Section 3.01. RMRC agrees to assign to Owner certain limited tax abatement rights and shall issue a Certificate of Tax Abatement to Owner, subject to the following conditions:

(a) Owner shall commence construction of the Project Improvements, and the Completion Date shall be no later than October 1, 2017 subject to extensions granted pursuant to Section 3.03 herein. The limitation of time for commencement and completion may be extended by agreement of the parties

(b) The Owner agrees that it will enter into the necessary contracts with contractors for the Project and cause those contracts to provide that all work performed under such contracts shall be in accordance with the Development Plan and this MOU.

Section 3.02. The Owner shall diligently pursue completion of the Project in conformance with the Development Plan and this MOU. Should the Owner deem it necessary or desirable to amend the Development Plan, the Owner shall submit such proposed modifications to RMRC, including plans and specifications for Project Improvements and a timeline for completion of the Project. The RMRC shall review such modification within a reasonable time.

Section 3.03. The time limit for the completion date may be extended to any Force Majeure Condition if the Owner notifies the RMRC of the existence of such condition reasonably promptly after first becoming aware of such condition. The extension of time for the Completion Date shall be for the period of any delay or delays caused or resulting from any Force Majeure Condition; provided, however, the Owner must notify the RMRC of the existence of the Force Majeure Condition within forty-five (45) days after the commencement of such Force Majeure Condition, which notice shall include documentation or other information reasonably necessary to establish the existence of the delaying event and an estimate of the approximate period of delay to be created by that event. The Owner's failure to provide such notice and documentation shall eliminate the waiver of default due to such delaying event created in this Section.

Section 3.04. On the completion date, the Owner shall send a written request to the RMRC for a Completion Certificate. The Completion Certificate shall be a conclusive determination of the Owner's satisfaction and termination of the covenants in this MOU regarding completion of the Project within the dates of commencement and completion set forth in this MOU and in accordance with the Development Plan.

(a) If the RMRC, acting by and through its President, issues a Completion Certificate, then it shall, within fifteen (15) days of issuance, issue a Certificate of Tax Abatement and take necessary action with the Jackson County Director of Assessment and any other necessary governmental entity, to start the tax abatement provided for pursuant to Chapter 353, RSMo, in accordance with the Development Plan.

(i) The tax abatement rights transferred by the RMRC to the Owner shall be limited to ten years at 100% (property taxes will be assessed based only upon the value of the land, absent any improvements). The tax abatement rights shall be unilaterally terminated by RMRC prior to the expiration of the abatement period if the cumulative value of the tax abatement equals or exceeds Eligible Project Costs.

(b) If the RMRC, acting by and through its President, fails or refuses to provide the Completion Certificate after receiving a written notice requesting such certificate, the RMRC shall, within thirty (30) days of receiving such request, provide the Owner with a written statement indicating in reasonable detail how the Owner has failed to complete the Project in conformity with the Development Plan and/or this MOU and the measures or acts necessary, in the opinion of the RMRC, for the Owner to take or perform in order to obtain a Completion Certificate. The Owner may appeal this finding to the Board of Aldermen by providing written notice to the City Clerk within fifteen (15) days of receiving RMRC's written statement.

Section 3.05. The Owner and its successors and assigns, and any subsequent purchaser of the Property, shall, at all times during the term of this MOU, maintain the Property and Project Improvements in a good state of repair and attractive appearance.

ARTICLE IV

EARLY TERMINATION OF TAX ABATEMENT

Section 4.01. The following shall be "Events of Default" under this MOU and the terms "Events of Default" and "Default" shall mean, whenever they are used in this MOU, any one or more of the following events:

(a) Failure by the Owner to observe and perform any covenant, condition or agreement on its part to be observed or performed under this MOU, which failure continues uncured following the Cure Period.

(b) The filing by the Owner of a voluntary petition in bankruptcy, or the filing against the Owner of a petition in involuntary bankruptcy, or failure by the Owner to promptly lift any execution, garnishment or attachment of such consequence as would impair the ability of the Owner to carry on its operation, or adjudication of the Owner as bankrupt, or assignment by the Owner for the benefit of creditors.

(c) The failure of the Owner to complete the Project prior to or on the Completion Date, unless such date has been extended pursuant to the terms of this MOU.

(d) Failure to pay all real estate taxes assessed against the Property before they become delinquent.

(e) Failure of the Owner to comply with the terms of the City of Raytown 353 Tax Abatement Downtown Redevelopment Incentive Program criteria or the City's Property Maintenance Code.

(f) Use of the property for residential use.

Section 4.02.

(a) Whenever any Event of Default shall have occurred and be continuing, the RMRC shall have the right, after the Cure Period, to take whatever action at law or in equity may appear necessary or desirable to enforce performance and observance of any obligation, agreement or covenant of the Owner under this MOU, including, but not limited to, the following:

(i) institute such proceedings as may be necessary or desirable in the RMRC's sole opinion to compensate the Authority for any damages resulting from all breaches by the Owner, including, but not limited to, proceeding for breach of contract and/or damages; or

(ii) terminate this MOU and any tax abatement relating to the Property.

(b) Notwithstanding anything to the contrary set forth in this MOU, the RMRC shall, in no way, be limited to the terms of this MOU in enforcing, implementing and/or otherwise causing performance of the provisions of this MOU or the Development Plan after the Owner's Default and failure to cure during the Cure Period as provided in this MOU.

Section 4.03. No delay or omission of the RMRC to exercise any right or remedy occurring upon an Event of Default shall impair any such right or remedy or constitute a waiver of any such Event of Default or acquiescence in such Event of Default. Every right and remedy given by this Article or by law to the RMRC may be exercised from time to time and as often as may be deemed expedient by the RMRC. No waiver of any breach of any covenant or agreement contained in this MOU shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement. In case of a breach by the Owner of any covenant, agreement or undertaking by the Owner, the RMRC may nevertheless accept from the Owner any payment or payments made under this MOU without in any way waiving right of the RMRC to exercise any of its rights and remedies provided for in this MOU with respect to any such default or defaults of the Owner which were in existence at the time such payment or payments were accepted by the RMRC.

Section 4.04. The rights and remedies reserved by the RMRC in this MOU and those provided by law shall be construed as cumulative and continuing rights and may be exercised concurrently or alternatively. No one of them shall be exhausted by the exercise of such option on one or more occasions.

ARTICLE V

COMPLIANCE WITH APPLICABLE LAWS

Section 5.01. The Owner shall, at its sole cost and expense, comply with all Applicable Laws. The Owner shall also comply with the requirements, rules and regulations of all insurers under the policies required to be carried under this MOU. The Owner shall pay all costs, expenses, claims, fines, penalties and damages that may in any manner arise out of, or be imposed as a result of, the failure of the Owner to comply with the provisions of this Article. Notwithstanding any provision contained in this Article, however, the Owner shall have the right, at its sole cost and expense, to contest or review, by legal or other appropriate procedures, the validity or legality of any such Applicable Laws, or any such requirement, rule or regulation of an insurer, and during such contest or review the Owner may refrain from complying therewith to the extent such noncompliance is expressly permitted by law and provided that such noncompliance does not result in adverse action being taken against the Project, the Property, the RMRC or the City.

ARTICLE VI

PARTIES TO COOPERATE

Section 6.01. The Parties agree to and shall cooperate and deal with each other in good faith, and shall assist each other whenever possible, appropriate or necessary in the performance of this Memorandum. The parties agree to take such actions (including adopting additional and further resolutions) and to make, execute and deliver such further and/or additional documents, agreements, instruments and/or understanding as may be required, necessary or convenient to effectuate fully this Memorandum and all of the terms, conditions and provisions hereof and to act reasonably and expeditiously in all performances or understandings required under or by this Memorandum.

ARTICLE VII

MISCELLANEOUS PROVISIONS

Section 7.01. Notices. All notices, certificates or other communications required to be given hereunder shall be in writing and shall be deemed duly given when delivered or mailed by first-class, certified or registered mail, postage prepaid, to the parties at their respective addresses addressed as follows:

(a) To the Owner:

Wanda Thompson Mullins
5914 Blue Ridge Blvd.
Raytown, Missouri 64133

(b) To the RMRC:

Raytown Municipal Redevelopment Corporation
Attention: City Administrator
10000 East 59th Street
Raytown, Missouri 64133

All notices given by first-class, certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed. The Owner and the RMRC may from time to time designate, by notice given hereunder to the other such parties, another address to which subsequent notices, certificates or other communications shall be sent.

Section 7.02. Binding Effect. This MOU shall be binding upon and shall inure to the benefit of the Owner and the RMRC and their respective successors and assigns, and any subsequent purchasers of the Property.

Section 7.03. Severability. If for any reason any provision of this MOU shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 7.04. Execution in Counterparts. This MOU may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 7.05. Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of Missouri without regard to conflict of laws.

Section 7.06. Recording. This MOU or a memorandum of this MOU may be recorded by the RMRC, from time to time, in the office of the Director of Records of Jackson County, Missouri. The Owner shall pay the costs of recording the MOU or memoranda upon demand by the RMRC.

Section 7.07. Entire Agreement. This MOU constitutes the entire understanding between the parties and supersede any and all prior agreements or understandings, whether oral or written, pertaining to the subject matter of this Memorandum.

Section 7.08. Amendments. This MOU may be amended only by the written mutual consent of the Parties or their successors in interest.

Section 7.09. In the event any legal action is instituted by any third-party or governmental entity or official challenging the validity of this Memorandum or any of its terms, conditions or provisions, RMRC and Owner agrees to defend any such action vigorously and further agree to cooperate in defending any such action.

Section 7.10. If necessary, in order to obtain the transfer of RMRC's tax abatement rights, the Property must be conveyed by Owner to RMRC and then reconveyed from RMRC to Owner. The conveyance and reconveyance shall be achieved by the execution of quit-claim deeds. The conveyance shall not be recorded unless recordation is demanded by local taxing authorities as a condition for obtaining tax abatement. Owner represents that she has the

authority to convey title by the execution of a quit-claim deed and assumes all risk regarding any existing agreement to the contrary.

Section 7.11. Owner shall furnish all records, contracts, bills and other documents relating to the Property and any Improvements as representatives of RMRC may request.

Section 7.12. Third Party Rights. The provisions of this MOU shall not be deemed to create any third party benefit hereunder for any member of the public or to authorize any one, not a party hereto, to maintain suit pursuant to the terms hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed in their respective corporate names by their duly authorized officers, all as of the date last executed by the parties.

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RAYTOWN MUNICIPAL REDEVELOPMENT CORPORATION

BY: _____

Name: _____

Title: _____

Dated: _____

Wanda Thompson Mullins

Dated: _____

Chapter 353 Tax Impact Analysis

Section A. Assumptions:

Section 1

Properties

<u>Address</u>	<u>Parcel #</u>	<u>Market Value</u>	<u>Class</u>	<u>AV</u>
5902 Blue Ridge Blvd.	45-120-03-38-00-0-00-000	72,100	19%	13,699

Section 2

2016 tax levies Per \$100 AV

School District	6.3200
Fire Prot. Dist.	0.9756
City	0.5293
Handicap	0.0738
Jackson County	0.5025
Mental Health	0.1201
Metro Junior College	0.2339
Library	0.3153
State Blind	0.0300
Total	9.1005

Section 3

Land AV is as follows:

<u>Total AV</u>	<u>Land AV</u>	<u>Improvement AV</u>
13,699	1,370	12,329

Section 4

Inflation per year: 2%

Section 5

Abatement Term 10 Years 100% Improvement AV, or cost of improvement, whichever occurs first

Section 6

Improvements

<u>Total Improvement Cost</u>	<u>Estimated New Appraised Value using 50% of Total Cost</u>	<u>Estimated New AV</u>	<u>Estimated Land AV</u>	<u>Estimated Improvement AV</u>
74,189	109,195	20,747	1,370	\$ 19,377

Section B Estimated taxes without the improvement projects

TAX:		
	2017	\$ 1,246.68
	2018	\$ 1,271.61
	2019	\$ 1,271.61
	2020	\$ 1,296.54
	2021	\$ 1,296.54
	2022	\$ 1,321.48
	2023	\$ 1,321.48
	2024	\$ 1,346.41
	2025	\$ 1,346.41
	2026	\$ 1,371.35
	2027	\$ 1,371.35
	2017- 2027 TOTALS	\$ 13,214.78

Section C Estimated abated taxes with improvement projects

TAX:		
	2017	\$ 1,763.41
	2018	\$ 1,798.68
	2019	\$ 1,798.68
	2020	\$ 1,833.95
	2021	\$ 1,833.95
	2022	\$ 1,869.21
	2023	\$ 1,869.21
	2024	\$ 1,904.48
	2025	\$ 1,904.48
	2026	\$ 1,939.75
	2027	\$ 1,939.75
	2017 - 2027 TOTALS	\$ 18,692.13

Estimated Taxes To Be Abated

Taxing Entity:	School District	Fire District	County	City	Handicap Workshop	Mental Health	Junior College	Library	Blind	Replacement Tax	
% of tax rate:	0.694467337	0.107202901	0.055216746	0.058161639	0.008109445	0.013197077	0.025701885	0.034646448	0.003296522	0	
<u>Year</u>											
2017	\$1,224.63	\$189.04	\$97.37	\$102.56	\$14.30	\$23.27	\$45.32	\$61.10	\$5.81	\$0.00	\$1,763.41
2018	\$1,249.12	\$192.82	\$99.32	\$104.61	\$14.59	\$23.74	\$46.23	\$62.32	\$5.93	\$0.00	\$1,798.68
2019	\$1,249.12	\$192.82	\$99.32	\$104.61	\$14.59	\$23.74	\$46.23	\$62.32	\$5.93	\$0.00	\$1,798.68
2020	\$1,273.62	\$196.60	\$101.26	\$106.67	\$14.87	\$24.20	\$47.14	\$63.54	\$6.05	\$0.00	\$1,833.95
2021	\$1,273.62	\$196.60	\$101.26	\$106.67	\$14.87	\$24.20	\$47.14	\$63.54	\$6.05	\$0.00	\$1,833.95
2022	\$1,298.11	\$200.39	\$103.21	\$108.72	\$15.16	\$24.67	\$48.04	\$64.76	\$6.16	\$0.00	\$1,869.21
2023	\$1,298.11	\$200.39	\$103.21	\$108.72	\$15.16	\$24.67	\$48.04	\$64.76	\$6.16	\$0.00	\$1,869.21
2024	\$1,322.60	\$204.17	\$105.16	\$110.77	\$15.44	\$25.13	\$48.95	\$65.98	\$6.28	\$0.00	\$1,904.48
2025	\$1,322.60	\$204.17	\$105.16	\$110.77	\$15.44	\$25.13	\$48.95	\$65.98	\$6.28	\$0.00	\$1,904.48
2026	\$1,347.09	\$207.95	\$107.11	\$112.82	\$15.73	\$25.60	\$49.86	\$67.21	\$6.39	\$0.00	\$1,939.75
2027	\$1,347.09	\$207.95	\$107.11	\$112.82	\$15.73	\$25.60	\$49.86	\$67.21	\$6.39	\$0.00	\$1,939.75
17-'27 Totals	\$12,981.08	\$2,003.85	\$1,032.12	\$1,087.17	\$151.58	\$246.68	\$480.42	\$647.62	\$61.62	\$0.00	\$18,692.13

**Estimated Total
Taxes That Will Still
Be Paid With
Abatement (Tax
Remains on Land AV)**

0.0949945

Tax	
2017	124.67
2018	127.16
2019	127.16
2020	129.65
2021	129.65
2022	132.15
2023	132.15
2024	134.64
2025	134.64
2026	137.13
2027	137.13
17-'27 Totals	1,321.48

**353 TAX ABATEMENT DOWNTOWN RAYTOWN
REDEVELOPMENT INCENTIVE PROGRAM
APPLICATION INFORMATION**

To apply for the 353 Tax Abatement Downtown Raytown Redevelopment Program information addressing each of the following criteria must be submitted

1. State the name, address, and telephone number of the applying entity and, if different, of the owner of the real property to be improved.
2. Provide the name(s) of the applying entity's representatives and any other financial guarantors of the Project and their addresses and telephone numbers if different from above.
3. Provide background information about the applicant and guarantors, including development experience, if any, and all other relevant information the RMRC may need to consider while reviewing the application. Describe the corporate or partnership structure as applicable.
4. Briefly describe the proposed Project. Include in this section:
 - a. Intended usage.
 - b. Economic and environmental impact.
 - c. The square footage of the building / land area to be renovated.
 - d. All other information needed to fully explain the project.
 - e. Attach architectural plans and renderings and any available history on the subject
5. State the marketing plans for the project identifying the intended market. What types of lessees are anticipated? How much time is expected before full occupancy is achieved, and who will manage the project?
6. State the location of the proposed project by street address and legal description and indicate the following:
 - a. Name the property owner at the time of application submittal.
 - b. If the Applicant does not presently own the property, does the Applicant have a written consent of property owner to do the project?
 - c. Describe any and all existing financing, options and liens on the property.
7. Provide an estimate of the total project cost broken down by general categories (e.g., land, building, equipment, soft costs, specialty costs, etc.). Where possible provide actual bids for these components. This will provide the RMRC an estimate of the total investment being made in the project. Next, provide a list of items eligible for incentive funds, the cost of these items and the amount of incentive funding requested for each item.
8. State the source of financing for the Project including any loans and equity being contributed. Provide the name of the lender and the amount of loans requested for the Project.

9. State the proposed time schedule for the project including the dates anticipated for the following:
 - a. Closing of the loan or contributing financing availability.
 - b. First expenditure of funds with regard to the project.
 - c. Anticipated date construction will begin.
 - d. Anticipated completion date.
 - e. Building Permits and permission of Planning Commission and Board of Aldermen if necessary.

10. Name any of the following professionals who will be involved with the project (with address and phone numbers):
 - a. Legal counsel for the Applicant
 - b. Architects and engineers
 - c. Contractor for project
 - d. Other professionals

11. Please disclose whether any applicant, guarantor or any other person involved with the project is currently engaged in any civil or criminal proceeding. Also disclose whether any individual involved with the project has ever been charged or convicted of any felony or currently is under indictment. Please supply detailed information.

12. Attach the following:
 - a. Photos of current conditions.
 - b. Photos of all exposed elevations.
 - c. Existing floor plan.
 - d. Bids containing itemized pricing for all phases of proposed renovation.

13. How many permanent jobs are anticipated as a result of the Project?

14. The following statement must be included along with a dated signature of the applicant or applicant's representatives.

This application is made in order to induce the RMRC to incentive financial incentives to the Applicant. The Applicant hereby represents that all statements contained herein are true and correct. Failure to disclose may be grounds for revocation of incentive and full repayment of any incentive funds expended. All information materially significant to the RMRC in its consideration of the application is included. The Applicant acknowledges that it has reviewed the descriptions of the Incentive Program for which it is applying and agrees to comply with those policies.

LEVEL A - "MARKET STABILIZING" INVESTMENT

Abatement of cost of improvements (excluding acquisition) OR 100% abatement for 10 years, whichever occurs first.

Projects that meet the following criteria will be considered for this level of abatement:

A Design Level 1, 2, or 3

1. Project meets all applicable minimum "Building" and "Site" requirements set forth in Sections 28-4 and 28-5 of the Central Business District Design (hereinafter "CBD") Standards of the Zoning Code. The project must also comply with all requirements set forth in the Property Maintenance Code.
2. Project meets all applicable minimum "Building" requirements and exceeds in at least 3 "Site" characteristics, by including site components that are "Encouraged" in the CBD Standards of the Zoning Code. The project must also comply with all requirements set forth in the Property Maintenance Code.

OR

Project meets all applicable minimum "Site" requirements and exceeds in at least 3 "Building" characteristics, by including building components that are "Encouraged" in the CBD Standards of the Zoning Code. The project must also comply with all requirements set forth in the Property Maintenance Code.

3. Project meets all applicable minimum "Site" requirements and also exceeds in at least 3 "Site" characteristics, by including site components that are "Encouraged" in the CBD Standards of the Zoning Code.

AND

Project meets all applicable minimum "Building" requirements and also exceeds in at least 3 "Building" characteristics, by including building components that are "Encouraged" in the CBD Standards of the Zoning Code.

AND

The project must also comply with all requirements set forth in the Property Maintenance Code.

• **AND Economic Impact Level 1, 2 or 3**

1. The actual construction investment in the project over and above the acquisition cost of the property is at least \$25,000 and at least 50% of the construction cost is expended on exterior improvements and façade enhancements.
2. The actual construction investment in the project over and above the acquisition cost of the property is at least \$175,000 and at least 40% of the construction cost is expended on exterior improvements and façade enhancements;

AND

A minimum of five (5) full time employee positions are created or retained at the site.

3. The actual construction investment in the project over and above the acquisition cost of the property is at least \$500,000;

AND

A minimum of fifteen (15) full time employee positions are created or retained at the site.

Chapter 353 Tax Abatement Application
Baby Cakes Gallery, LLC
Wanda Mullins – Owner
(706)951-3132

1. Baby Cakes Gallery (BCG), LLC. (706)951-3132. Owner: Ms. Wanda Mullins

Representatives:

Tenaya Garrett – 308 NE Brockton Dr., Lees Summit, MO 64064,
(816)914-7850
TeTanya Mullins – 409 Windridge Dr., Little Elm, TX 75068,
(816)309-5931
James Mullins – 2525 Center West Pkwy, Apt 15A, Augusta, GA
30909, (706)664-7476
Renee Rau, 805 SW Hilcrest Ln, , Blue Springs, MO 64015
(816)809-2631
Geri Wilson, 1609 NE Dana Dr., Blue Springs, MO 64014
(816)289-1349

2. I, Wanda Mullins am the applicant and owner of BCG. I moved to MO in 2014 after retiring from the Department of the Army. I relocated here to be near my daughter, her husband and their/my 5 grandkids. After retiring in 2013, I started a home based business decorating/selling cakes.
3. The LLC is comprised of my 3 adult children and two friends. They are representatives **only** for advise, not for financials.
4. This project I'm applying for the 353 Tax Abatement is for the following:
 - (a). Intended use as a bakery.
 - (b). The economical impact would bring revenue
 - (c). The Bldg is approximately 2100 sq ft. The first floor consist of the common area for patrons. The basement will be utilized for storage. The HVAC and water heater are also to be located in the basement. The upper floor has a bathroom than will be or can be utilized for the business. This project has been ongoing for approximately 18 months.
5. The intended market for BCG is the local community and its' surrounding communities.
6. The property owner is: Ms. Wanda Mullins. There is an equity loan for the project. Additional loan(s) to be acquired when required.

7. The property was purchased for \$42,000.00. Civil Engineer: \$17,000.00. Previous work from contractor: \$65,000.00. Engineer structural study: \$500.00. Architect: \$895.00. Laborer: \$600.00. Bakery Equipment: \$3,000.00. These items have been paid. The following items are required for completion of BCG project: Contractor to finish inside of building: \$12,000.00. Detention Pond: \$16,000.00. Parking Lot: \$31,000.00. HVAC: \$9,989.00. Hot water tank: \$700.00. Bakery Equipment: \$4,500.00. I am requesting the maximum incentive allowed for the items required to complete the BCG project.

8. 1st Mid America Credit Union: Equity Loan \$64,000.00.

9. (a). The loan is closed.

(b). Partial disbursement of funds due to contractor at onset of project once permit is approved/provided.

(c). January 2017.

(d). Feb/Mar

(e). Planning Commission and Board of Alderman have voted on and approved the project.

10. (a). Legal Council: None

(b). Architect: BCS Design: Jeff Shinkle, (913)780-4820

Engineers: CFS Engineers: Lance Scott, (816)333-4477

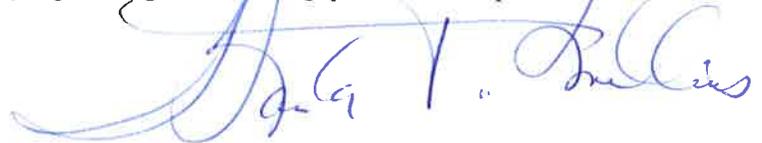
(c). Contractor: 778 Investments, LLC; Jamie Flaskerud, (816)547-1247

11. No other person involved with the project is currently engaged in any civil or criminal proceeding.

12. Requested attachments are provided.

13. Initially 1 – 2 temporary jobs may result from this project.

14. This application is made in order to induce the RMRC to incentive financial incentives to the Applicant. The Applicant hereby represents that all statements contained herein are true and correct. Failure to disclose may be grounds for revocation of incentive and full repayment of any incentive funds expended. All information materially significant to the RMRC in its consideration of the application is included. The Applicant acknowledges that it has reviewed the description of the Incentive Program for which it is applying and agrees to comply with those policies.

A handwritten signature in blue ink, appearing to be "D. G. Miller", is written over the bottom portion of the text in item 14.

