

BILL NO. 24.071

ORDINANCE NO. 19587

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE CITY CODE PERTAINING TO SMALL BOX DISCOUNT, TOBACCO, CONVENIENCE AND LIQUOR STORES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the request on July 9, 2024, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 6-0; and,

WHEREAS, City Council has authority under RSMo. Ch. 89.020 to enact and amend zoning ordinances to promote health, safety, morals, and the general welfare of the community; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 14-201-01 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-201-01 General terms

Unless otherwise noted, the following words and terms shall apply to this chapter.

CONVENIENCE STORE. A retail establishment that sells ~~prepackaged food items, package liquor, tobacco products, periodicals and tangible consumer goods, primarily for self-service by the consumer, including hot beverages, fountain beverages and pastries. Such businesses may also sell site-prepared food items including, but not limited to, hot dogs, salads and popcorn.~~ limited grocery items, magazines, newspapers, and other limited items where there is no dispensing or sales of vehicular fuels and/or vehicle charging. If at any time, tobacco or alcohol becomes the primary sales category, the business can no longer be construed as a convenience store.

LIQUOR STORE. An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

SMALL BOX DISCOUNT STORE. A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in its inventory for sale at a price per item of \$10.00 or less, adjusted for inflation. Small box discount store does not include (1) a grocery store; (2) a store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed; or (3) a retail store where the majority of the products sold are personal hygiene products or cosmetics.

TOBACCO STORE. A commercial establishment primarily for the sale of tobacco related products. Tobacco related products shall include, but not limited to: cigarettes, cigars, pipe tobacco, loose tobacco, cigarette papers, ~~and~~ pipes and any smokable product. This definition shall also include electronic and vapor cigarettes."

SECTION 2. That Section 14-419 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-419 TOBACCO/~~CONVENIENCE~~ STORE

14-419-01 Applicability

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

14-419-02 Separation and number of establishments per capita

14-419-02-A. As a conditional use, a tobacco/~~convenience~~ store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a tobacco/~~convenience~~ store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-419-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line ~~exterior structural wall of each building~~ or zoning district.

14-419-02-C. No permit may be issued for a tobacco/~~convenience~~ store where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 15,000 residents based on the last decennial census.

14-419-03. Video surveillance required

All tobacco stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-419-04 Minimum lighting levels

14-419-04.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-419-05. Visibility maintained.

14-419-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from posters, flyers and other such visibility blockers.

14-419-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-419-06. Alarm system required.

14-419-06.A. All liquor stores shall provide an alarm system.

14-419-06.B. The alarm system shall be monitored off-site.

14-419-06-C. A silent panic alarm shall be provided at each cash register.

14-419-06-D. Employees shall be provided a remote alarm to wear on their person.

14-419-07. Automatic door lock required.

All tobacco stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-419-08. Height strips

All tobacco stores shall provide height strips at each public entrance in direct view of employees.

14-419-09. "No loitering/trespass" signs

All tobacco stores shall post at the front entry to the building "No loitering/trespass" signs.

14-419-10. Application to Existing Businesses.

14-419-10.A. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-419-04 within two (2) years from the effective date.

14-419-10.B. All tobacco stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-419-05 through 14-419-09 within six (6) months from the effective date."

SECTION 3. That Section 14-425 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

"14-425 LIQUOR STORE

14-425-01 Applicability

The standards of this article apply to liquor store, as defined by this ordinance.

14-425-02 Separation from other uses

14-425-02.A. No liquor store shall locate or expand within 1,500 feet of another liquor store whether such other liquor store is located within the City or outside of the City.

14-425-02-B. The distance between these uses shall be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-425-03. Video surveillance required

All liquor stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-425-04 Minimum lighting levels

14-425-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and shall comply with Section 14-508.

14-425-05. Visibility maintained.

14-425-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-425-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-425-05-C. The Community Development Director is authorized to approve alternative plans if the applicant demonstrates to the satisfaction of the Community Development Director that the proposed plan:

1. Will comply with all other applicable requirements of this section;
2. Is consistent with the stated purpose of this development ordinance;
3. Does not adversely affect visibility considerations; and
4. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum practical extent.

14-425-06. Alarm system required.

14-425-06.A. All liquor stores shall provide an alarm system.

14-425-06.B. The alarm system shall be monitored off-site.

14-425-06-C. A silent panic alarm shall be provided at each cash register.

14-425-06-D. Employees shall be provided a remote alarm to wear on their person.

14-425-07. Automatic door lock required.

All liquor stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-425-08. Height strips

All liquor stores shall provide height strips at each public entrance in direct view of employees.

14-425-09. "No loitering/trespass" signs

All liquor stores shall post at the front entry to the building "No loitering/trespass" signs.

14-425-10. Application to Existing Businesses.

14-425-10.A. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-04 within two (2) years from the effective date.

14-425-10.B. All liquor stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-425-03 and 14-425-05 through 14-425-09 within six (6) months from the effective date."

SECTION 4. That Section 14-426 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

"14-426 CONVENIENCE STORE

14-426-01 Applicability

The standards of this article apply to convenience store, as defined by this ordinance.

14-426-02 Separation requirements

14-426-02-A. As a conditional use, a convenience store may not locate or expand any existing operation within 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. With special use permit approval, a convenience store may locate or expand less than 500 feet of any residential use or district, church, school, or public park whether such other use or district is located within the City or outside of the City. Such special use permit must be approved in accordance with Section 14-704.

14-426-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-426-03. Video surveillance required

All convenience stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code.

14-426-04 Minimum lighting levels

14-426-03.A. The minimum outdoor light levels shall be five footcandles maintained at the stores entrance and comply with Section 14-508.

14-426-05. Visibility maintained.

14-426-05-A. All window areas between the height of 3 feet above grade to 7 feet above grade shall be 100% free from advertisements, posters, flyers and other such visibility blockers.

14-426-05-B. Outside of the window area in the paragraph above, a minimum of 75% of window areas shall be free from advertisements, posters, flyers and other such visibility blockers whether installed on the interior or exterior of the window. Displays set up in front of the window area, inside or outside, shall not inhibit the view from the front counter or cash transaction area.

14-426-06. Alarm system required.

14-426-06.A. All liquor stores shall provide an alarm system.

14-426-06.B. The alarm system shall be monitored off-site.

14-426-06-C. A silent panic alarm shall be provided at each cash register.

14-426-06-D. Employees shall be provided a remote alarm to wear on their person.

14-426-07. Automatic door lock required.

All convenience stores shall provide an automatic door lock capable of being locked from the cash transaction counter.

14-426-08. Height strips

All convenience stores shall provide height strips at each public entrance in direct view of employees.

14-426-09. "No loitering/trespass" signs

All convenience stores shall post at the front entry to the building "No loitering/trespass" signs.

14-426-10. Application to Existing Businesses.

14-426-10.A. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Section 14-426-04 within two (2) years from the effective date.

14-426-10.B. All convenience stores legally existing on (Insert Ordinance Approval Date), the effective date of Ordinance No. (Insert Ordinance No.), shall comply with the provisions of Sections 14-426-05 through 14-426-09 within six (6) months from the effective date."

SECTION 5. That Section 14-427 of Chapter 14, Unified Development Ordinance, is hereby added to read as follows:

"14-427 SMALL BOX DISCOUNT STORE

14-427-01 Applicability

The standards of this article apply to small box discount store, as defined by this ordinance.

14-427-02 Separation requirements

14-427-02-A. No small-box discount store shall locate within 10,560 feet of any other small-box discount store, whether such other small-box discount store is located within the City or outside of the City.

14-427-02-B. The distance between these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest property line to closest property line.

14-427-03. Video surveillance required

All small box discount stores shall comply with the video surveillance camera requirements of Chapter 5 of the City Code."

SECTION 6. That Section 14-301-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-301-03 Uses

14-301-03-A. Use Table. Uses are allowed in O and C zoning districts in accordance with Table 301-1, below.

14-301-03-B. Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 301-1 lists the groups, categories and types allowed in one or more O/C districts.

14-301-03-C. Permitted Uses. Uses identified with a "P" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-301-03-D. Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 301-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of the Table, and all other applicable standards of this development ordinance.

14-301-03-E. Special Uses. Uses identified with an "S" in Table 301-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-301-03-F. Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-301-03-G. Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited."

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
Use Category Specific use type	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Food and Beverage Retail Sales	P	—	P	P	—	
<u>Liquor Store</u>	—	—	—	<u>C</u>	—	<u>14-425</u>
Retail Sales	—	—	P	P	P	
Tobacco/ Convenience Store	—	—	C/S	C/S	—	14-419
<u>Convenience Store</u>	—	—	<u>C/S</u>	<u>C/S</u>	—	<u>14-426</u>
<u>Small Box Discount Store</u>	—	—	<u>C</u>	<u>C</u>	—	<u>14-427</u>

SECTION 7. That Section 14-302-03 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

"14-302 INDUSTRIAL DISTRICTS

14-302-03 Uses

14-302-03-A.Use Table. Uses are allowed in I zoning districts in accordance with Table 302-1, below.

14-302-03-B.Use Classification System. For the purpose of this development ordinance, uses are classified into "use groups," "use categories," and "specific use types." These are described and defined in Article 14-200. The first column of Table 302-1 lists the groups, categories and types allowed in one or more I districts.

14-302-03-C.Permitted Uses. Uses identified with a "P" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with all other applicable standards of this development ordinance.

14-302-03-D.Permitted Uses with Minimum Use Standards. Uses identified with a "C" in Table 302-1 are permitted as-of-right in the subject zoning district, subject to compliance with the Use Standards referenced in the right column of Table 302-1, and all other applicable standards of this development ordinance.

14-302-03-E.Special Uses. Uses identified with an "S" in Table 302-1 may be allowed if reviewed and approved in accordance with the special use procedures of Article 14-704.

14-302-03-F.Prohibited Uses. Uses not listed and those identified with a "—" are expressly prohibited.

14-302-03-G.Use Standards. The "use standards" column of Table 302-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 302-1 Industrial Districts Use Table					
P: Permitted S: Special Use Permit Required C: Conditional Uses —: Not Allowed					
Use Category Specific use type	Zoning District			Use Standards	
	B-P/PUD	I-1	I-2		

COMMERCIAL				
Retail Sales [1]	P	—	—	
<u>Tobacco Store</u>	—	—	—	14-419
<u>Convenience Store</u>	—	—	—	14-426
<u>Small Box Discount Store</u>	—	—	—	14-427

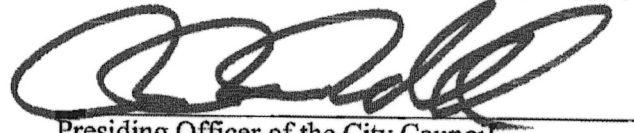
Notes to Table 302-1:

- [1] Retail sales establishments may not exceed 5,000 square feet (gross floor area). Sales include commodities manufactured, processed, fabricated, assembled, warehoused or stored on the premises. Business machines or office supplies; sales and repair. Appliances; sales and repair. Electronics; sales and repair.”

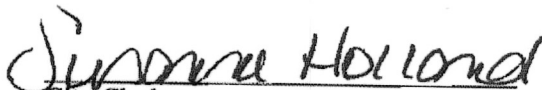
SECTION 8. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 9. That correction of any scriveners’ errors identified within these articles are hereby authorized by this ordinance.

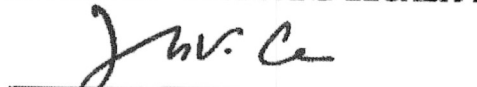
PASSED THIS 19th DAY OF Aug., 2024, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.


Presiding Officer of the City Council
of the City of Independence, Missouri

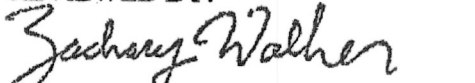
ATTEST:


City Clerk

APPROVED - FORM AND LEGALITY:


City Counselor

REVIEWED BY:


City Manager



NOTE: Words struck through are being removed from this ordinance and words underscored and bolded are being added to this ordinance.