

ARTICLE 9. USES PERMITTED WITH CONDITIONS

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Division I: General Provisions

Section 9.010. Intent and interpretation

It is the intent of this Article to identify certain activities or structures, which, if the use or structure complies with specifically identified conditions, shall be treated as a permitted use. For the purposes of this Chapter, these uses shall be known as “Uses Permitted with Conditions.” The regulations that govern Uses Subject to Conditions are set forth in this Article.

Section 9.020. Identification and determination of uses subject to conditions

- A. Pre-Application conference. A pre-application conference is required if applicant intends to operate a use or develop a structure that is intended to be occupied by a use set forth in this Article. The purpose of the conference is to advise the applicant of any additional information required to determine whether the proposed use qualifies as a Use Permitted with Conditions. Within ten (10) days of the receipt of all information requested, the Director shall inform the applicant if the use as proposed by the applicant qualifies as a Use Subject to Conditions pursuant to this Article.
- B. It is anticipated that there may be instances in which applicant may not know at the time of the pre-application conference all of the uses to which a structures in a development will be put, therefore, applicant may seek a determination on whether a proposed use qualifies as a Use Permitted with Conditions from the Director at any time. This request shall be submitted in writing with such information, as the Director shall request. Within ten (10) days of receipt of all the requested information, the Director shall inform the applicant in writing of whether the proposed use qualifies as a Use Subject to Conditions.
- C. No person, however, shall have any right to operate a use identified in this Article as a Use Subject to Conditions unless all of the conditions specified in the section related to that use are currently and continuously complied with. It shall be a violation of Section 1.150 of this Chapter to operate any use delineated in this Article without complying with the applicable conditions.

Division II: Uses

Section 9.030. Adult business/Adult entertainment business

An Adult Entertainment Business may include such business as an adult media outlet, adult motion picture theater or adult night club. An adult entertainment business shall be permitted, subject to the following conditions and restrictions:

- A. All applicable licensing requirements of Chapter 3 of the City Code shall be satisfied; and
- B. All adult entertainment businesses shall be located in appropriate zoning districts, pursuant to the uses specified in Section 5.310 and Table 5-1 of this Chapter.(Amend.#3)
- C. All conditions and restrictions of Section 9.040 Adult personal services shall also apply. (Amend.#3)

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Section 9.040. Adult personal service

An Adult Personal Service may include a bath house, body painting studio, escort service or bureau, dating service or bureau, or modeling studio. An adult entertainment business shall be subject to the following conditions and restrictions:

- A. All requirements of the Lee's Summit General Code of Ordinances, *Chapter 3. Adult Services*.
- B. Such use shall not be established within 1,250 feet of any church, school, day care facility, public building, public park, hospital or area zoned or used for residential purposes.
- C. No more than two uses regulated in Sections 9.030 and 9.040 may be located within 1,250 feet of each other. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of the uses noted above.
- D. The 1,250-foot restriction between such regulated uses may be waived by the Governing Body after review and recommendation by the Commission, if the applicant demonstrates by substantial and competent evidence that:
 - 1. The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this Chapter will be observed,
 - 2. The proposed use will not enlarge or encourage the development of a "blighted area" as defined in the Revised Statutes of Missouri,
 - 3. The establishment of such use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of community renewal, and
 - 4. All applicable regulations of this Chapter will be observed.

Section 9.050. Agricultural sales and service

Agricultural Sales and Service, such as feed and seed stores, must be operated in accordance with county and state health department regulations and are required to be located at least two hundred (200) feet from any residential district or property line.

Section 9.060. Agriculture operation

- A. Commercial greenhouses, garden center or plant nursery.
 - 1. All plant stock not enclosed within a structure shall be set back at least 50 feet from any property under separate ownership or from residentially zoned property.
 - 2. Sufficient hard surface parking shall be provided on site to serve the anticipated need.
 - 3. Parking areas for customers must be paved.
 - 4. Fencing and screening must be provided in accordance with Article 14.
 - 5. All lighting and electrical wiring must meet applicable codes.
 - 6. All plant stock not enclosed within a structure shall be set back at least fifty (50) feet from a residential property line.
 - 7. No merchandise shall be within the required yard setbacks.

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8. Greenhouses shall be maintained in good operating conditions.
9. All outside storage of planting materials (soils, sand, peat moss, etc.), nutrients, pest sprays, etc. shall be screened from view within commercial districts.
10. See "Garden Center" as an accessory use if use is accessory to other commercial operations.

B. Kennel, fish hatchery, apiary and aviary.

A kennel with outside runs, fish hatchery, apiary or aviary shall be located not less than two hundred (200) feet from any property under separate ownership or from residentially zoned property.

C. Livestock, including poultry and fur-bearing animals.

1. Minimum parcel size is ten (10) acres.
2. All livestock buildings or feeding areas shall be set back not less than two hundred (200) feet from any property under separate ownership or from residentially zoned property.
3. There shall be at least five thousand (5,000) square feet of fenced lot area not covered by the principal structure for each animal (does not include poultry).
4. Poultry houses shall be spaced one hundred (100) feet from one another and shall be set back not less than two hundred (200) feet from any property in separate ownership or from residentially zoned property.

D. Stable.

1. A private stable shall be allowed on a lot having an area of more than one acre, provided that it is located not less than one hundred (100) feet from the front lot line, nor less than thirty (30) feet from any side or rear lot line. On such lots, there shall not be kept more than one horse, pony or mule for each forty thousand (40,000) square feet of lot area.
2. Where such stable exists or animals are kept, the owner or keeper shall maintain the premises in compliance with all applicable state, county and municipal sanitary and health regulations.
3. A stable shall be set back not less than two hundred (200) feet from any property under separate ownership or from residentially zoned property.

E. Tenant Dwelling for persons employed on land used for bona fide agricultural purposes.

Dwellings may not be rented for any purposes other than provide housing for persons employed by the agricultural operations upon which the dwelling is located.

Section 9.070. Appliance repair service (see Repair services nonautomotive)

Section 9.080. Automotive repair shop-minor repair (see repair services-automotive)

Section 9.090. Automotive service station (see repair services – automotive)

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Section 9.100. Automotive upholstery shop (see repair services – automotive)

Section 9.110. Automotive rental agency

Automotive rental agency provided:

- A. Automobiles stored on site shall be contained in a separate area not in required parking spaces.
- B. 200 feet minimum distance from residential district or use.

Section 9.120. Bank/Financial Services (Amend. #33)

- A. Lighting requirements – light levels shall be in accordance with the following standards:
 - 1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer’s specifications
 - 2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance
- B. Employee protection required.
 - 1. Hard-wired phone shall be installed inside walk-in vaults or other emergency measure shall be provided that is acceptable to the CPTED Review Committee
 - 2. Banning disguises, i.e., no caps, sunglasses or visors, etc.
- C. Video surveillance camera(s), two-color digital high definition, required:
 - 1. To maintain view of cash register counter
 - 2. To maintain view of all public and/or employee entrances into building/tenant space
 - 3. To maintain view of customers leaving via a door mounted pin hole camera to be positioned at a height of between 4 and 5 feet from the bottom of the door
 - 4. Capable of providing a minimum storage of 30 days of video surveillance data
- D. Alarm system required.
 - 1. Alarm system shall be monitored off-site
 - 2. Silent panic alarm shall be provided at each cash register
 - 3. Each teller and each employee directly accessible to the public shall be provided a remote alarm to wear on their person
 - 4. Provide alarm activation inside walk-in vaults
- E. Automatic door lock required. An automatic door lock capable of being locked from any cash transaction counter shall be provided
- F. Visibility maintained.
 - 1. Unobstructed line of sight shall be maintained at all times from the cash register to the front door
 - 2. Window areas shall be free from posters, flyers and other such visibility blockers

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- G. Height strips shall be required at each public entrance in direct view of employees
- H. "No Loitering/trespass" signs shall be posted at the front entry to the building
- I. Annual review required.
 - 1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
 - 2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, adding a bullet resistant glass bandit barrier or man trap, adding landscaping for controlled access, etc.
 - 3. In the event of an additional robbery where the Police Department's recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license

Section 9.130. Bank/Financial Service Stand-Alone ATM (Amend. #33)

- A. Lighting Requirements
- B. Video surveillance camera(s), two-color digital high definition, required:
 - 1. To maintain view of vehicle occupants
 - 2. To maintain view of drive through stalls
 - 3. Capable of providing a minimum storage of 30 days of video surveillance data
- C. View from street to be maintained

Section 9.140. Bank/Financial Service drive through facility (Amend. #33)

- A. Provided there is a minimum of 5 car stacking for a single window/lane or 3 car stacking per lane, for multiple lanes, measured from the point of service delivery, i.e., drive-up window, or delivery tube station, and
- B. Provided on-site traffic circulation is not impeded by the required car stacking mentioned above
- C. Lighting Requirements
 - 1. Undercanopy lighting shall include flush mounted LED fixtures
 - 2. Minimum lighting levels of 5 footcandles shall be maintained at each delivery tube station
- D. Employee protection required.
 - 1. Bullet resistant glass shall be used at all window viewing stations of each teller handling cash transactions at drive through facilities
- E. Video surveillance camera(s), two-color digital high definition, required:
 - 1. To maintain view of cash register counter
 - 2. To maintain view of all drive through stalls at delivery tube station

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3. Capable of providing a minimum storage of 30 days of video surveillance data
- F.** Alarm system required.
1. Alarm system shall be monitored off-site
 2. Each teller shall be provided a remote alarm to wear on their person
 3. Silent panic alarm shall be provided at each cash register/transaction station
- G.** Annual review required.
1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
 2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies similar to those listed for banks and financial institutions.
 3. In the event of an additional robbery where the Police Department's recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license

Section 9.150. Bar/Tavern (Amend. #47)

- A.** Provided the front entrance of the facility is 300 feet or greater distance from any existing school or church, or residential district (RDR, RLL, R-1, RP-1, RP-2, RP-3, and RP-4) or residential use in any district, with the following exceptions:
1. A bar/tavern located in the CBD district shall have no distance requirement from any existing residential use within the CBD district.
 2. A bar/tavern located in a CBD or CP-2 district shall have no distance requirement from any existing loft dwelling use which is located within a CBD or CP-2 district.
 3. A bar/tavern located in a CBD or CP-2 district shall have a 100 foot distance requirement from the front entrance of the facility to any existing residential use which is located within a TNZ or PO district.
 4. A bar/tavern located in the M-150 Corridor Development Overlay districts CDO-MR, CDO-MC, or CDO-ME shall have no distance requirement from any multi-family (apartment) or loft dwelling unit within any M-150 CDO-MR, MC or ME district.

Section 9.160. Check cashing and Payday Loan Business (Amend. #33)

(See Unsecured Loan Business)

Section 9.170. Church, temple or synagogue

A church, temple or synagogue, including associated accessory uses such as day care services, provided that:

- A.** Buildings shall be located not less than fifty (50) feet from the boundary of adjoining property zoned for residential use;

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- B. Primary driveway access for any such use with more than five thousand (5,000) square feet of floor area shall be from a collector or arterial street; and
- C. Primary driveway access for any such use with more than ten thousand (10,000) square feet of floor area shall be from an arterial street.

Section 9.180. Civic or fraternal club

A civic or fraternal club located in a residentially zoned area, with respect to which:

- A. All structures are at least fifty (50) feet from any property line:
- B. Parking area is screened in accordance with the standards for parking lot screening.
- C. The exterior of the building maintains a residential character and blends harmoniously with surrounding residential properties.

Section 9.190. Construction materials sales and services

- A. A construction materials sales and services operation, such as a building supply or home improvement center, is permitted to store materials outside, provided such materials are located to the side or rear of the property and fully screened from view.
- B. Seasonal sales materials may be stored outside in front of the building provided that such materials shall be limited to placement adjacent to the front wall and outside of any paved travel way including parking areas and drive aisles. And further provided that a six (6') foot minimum width sidewalk separate the materials from any paved travel way or parking area. Seasonal sales intended to be displayed, stored or open for sale longer than 90 days shall be enclosed by a permanent decorative fence i.e., painted steel fence with brick pilasters as approved by the Director. See Section 9.180 Seasonal Sales for additional restrictions. The Director's decision may be appealed to the City Council in writing requesting the reason for the appeal and asking for a time to be heard.

Section 9.200. Construction contractor-with machinery, equipment and storage (Amend.#3)

- A. All storage of machinery and equipment shall be placed in the rear or sides of the building and screened from street views with an opaque fence of sufficient height to hide the storage area.
- B. Storage areas not readily visible from any street need not provide screening.

Section 9.210. Convenience Store (Amend. #33)

- A. Lighting requirements – light levels shall be in accordance with the following standards:
 1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer's specifications
 2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance

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3. Pump Islands – Under-canopy minimum lighting levels of 10.0 footcandles with a maximum of 30.0 footcandles shall be maintained at each pumping station
- B.** Video surveillance camera(s), two-color digital high definition, required:
1. To maintain view of cash register counter
 2. To maintain view of all public and/or employee entrances into building/tenant space
 3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of between 4 and 5 feet from the bottom of the door
 4. Capable of providing a minimum storage of 30 days of video surveillance data
- C.** Alarm system required.
1. Alarm system shall be monitored off-site
 2. Silent panic alarm shall be provided at each cash register
 3. Employees shall be provided a remote alarm to wear on their person
- D.** Automatic door lock required. An automatic door lock capable of being locked from the cash transaction counter shall be provided
- E.** Visibility maintained.
1. Unobstructed line of sight shall be maintained at all times from the cash register to the front door
 2. Window areas shall be free from posters, flyers and other such visibility blockers
 3. 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
 4. The floor area at the cash register shall be elevated a minimum of 6” above floor grade to assist employee surveillance throughout the store
- F.** Drop safes, bolted to floor shall be required.
- G.** Height strips shall be required at each public entrance in direct view of employees.
- H.** “No Loitering/trespass” signs shall be posted at the front entry to the building.
- I.** Annual review required.
1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
 2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, requiring a minimum of two employees on a given shift, etc.
 3. In the event of an additional robbery where the Police Department’s recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license

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Section 9.220. Dance Club

- A. Provided the front entrance of the facility is 300 feet or greater distance from any school, church or residential district or use. (Amend.1)

Section 9.230. Drug Store (Pharmacy) with drive up window/facility

- A. Provided there is a minimum of 3 car stacking measured from the point of service delivery, i.e., drive-up window or pneumatic tube, etc., and
- B. Provided on-site traffic circulation is not impeded by the required car stacking mentioned above.

Section 9.240. Dry Cleaners with drive-up window or drive-through facility

- A. Provided there is a minimum of 2 car stacking measured from the point of service delivery, i.e., drive-up window, door or pneumatic tube, etc., and
- B. Provided on-site traffic circulation is not impeded by the required car stacking mentioned above.

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

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

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

A commercial horse riding stable, track or polo field:

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

Section 9.280. Marijuana sales/distribution

Marijuana shall only be sold and/or distributed by a licensed seller/provider provided the following conditions can be met:

- A. Seller/provider shall show proof of being licensed by the state;
- B. Seller/provider shall maintain a City Business license;
- C. Seller/provider shall not produce any marijuana or related products, including but not limited to extracts, oils, resins or other derivatives on-site;
- D. Marijuana and marijuana related products shall not be used on-site;
- E. Operating hours shall be 9 am to 7 pm for licensed dispensaries;
- F. A minimum of 5,280 feet distance between a similar licensed seller/provider or cultivation processing facility;
- G. A minimum distance of 1,500 feet from any church, school, day care facility, public park, hospital, homeless shelter, youth community center, library, public community center,

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abuse treatment facility, group home, alcohol or drug rehabilitation facility, and correctional facility,

H. A minimum distance of 500 feet from any residential district or use.

Note: All distances shall be measured from the front door of the licensed seller/provider to the property line of the other use.

I. Lighting requirements – light levels shall be in accordance with the following standards:

1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer's specifications.
2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance.

J. Video surveillance camera(s), two-color digital high definition, required:

1. To maintain view of cash register counter.
2. To maintain view of all public and/or employee entrances into a licensed seller/provider area.
3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of between 4 and 5 feet from the bottom of the door.
4. Capable of providing a minimum storage of 30 days of video surveillance data.

K. Alarm system required.

1. Alarm system shall be monitored off-site.
2. Silent panic alarm shall be provided at each cash register.
3. Employees shall be provided a remote alarm to wear on their person.

L. Visibility maintained.

1. Unobstructed line of sight shall be maintained at all times from the cash register to the front door
2. Window areas shall be free from posters, flyers and other such visibility blockers

M. Banning disguises. Customers entering a licensed seller/provider area shall be banned from wearing apparel that can disguise their face from recognition, such as caps, sunglasses, visors, etc.

N. Drop safes, bolted to floor shall be required.

O. Height strips shall be required at each public entrance in direct view of employees.

P. "No Loitering/trespass" signs shall be posted at all outside entrances and exits to the licensed seller/provider building or tenant space.

Q. Annual review required.

1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department

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to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, adding a bullet resistant glass bandit barrier or man trap, requiring a minimum of two employees on a given shift, etc.

3. In the event of an additional robbery where the Police Department's recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license.
4. Fees: See adopted fee schedule.
- R. Retail sales area shall utilize air filtration and ventilation systems to confine objectionable odors;
- S. Any person convicted of manufacture, delivery or sale of a controlled substance is prohibited from being an operator or employee of a licensed seller/provider or having a financial interest in the business.
- T. No signs shall be permitted containing the word "marijuana" or graphic/image of any portion of a marijuana plant or otherwise identifying the product. No wording or graphic/imagery used on the interior of the sales/distribution area shall be visible to the public from outside the facility
- U. No outdoor seating or public gathering space shall be provided
- V. Proper disposal shall be provided for marijuana remnants or by-products, and not placed within the seller's or provider's exterior refuse containers
- W. Licensed seller/provider area shall be limited to **1,000** square feet
- X. All marijuana in any form kept at the location of the seller/provider shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.
- Y. Employees shall be required to pass a background check and be a minimum of 21 years of age
- Z. No person under the age of 21 shall be on the premises of a licensed seller/provider.
- AA. Manager shall be on-site during hours of operation

Section 9.290. Marijuana cultivation/processing/storage facility

Licensed marijuana cultivation/processing facilities shall meet the following conditions:

- A. A minimum of 5,280 feet distance between similar licensed facilities or a licensed seller/provider;
- B. A minimum distance of 1,500 feet from any church, school, day care facility, public park, hospital, homeless shelter, youth community center, library, public community center, abuse treatment facility, group home, alcohol or drug rehabilitation facility, and correctional facility,
- C. A minimum distance of 1500 feet from any residential district or use

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

- D. Lighting requirements – light levels shall be in accordance with the following standards:

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1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer’s specifications
 2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance
- E. Video surveillance camera(s), two-color digital high definition, required:
1. To maintain view of all public and/or employee entrances into building/tenant space
 2. To maintain view of employees leaving via a door mounted pin hole camera, to be positioned at a height of between 4 and 5 feet from the bottom of the door
 3. Capable of providing a minimum storage of 30 days of video surveillance data
- F. Alarm system required.
1. Alarm system shall be monitored off-site
 2. Employees shall be provided a remote alarm to wear on their person
- G. Visibility maintained.
1. Window areas shall be free from posters, flyers and other such visibility blockers
- H. Banning disguises, i.e. no caps, sunglasses or visors, etc.
- I. Drop safes, bolted to floor shall be required.
- J. Height strips shall be required at each public entrance in direct view of employees.
- K. “No Loitering/trespass” signs shall be posted at all outside entrances and exits to the licensed facility.
- L. Annual review required.
1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
 2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, adding a bullet resistant glass bandit barrier or man trap, requiring a minimum of two employees on a given shift, etc.
 3. In the event of an additional robbery where the Police Department’s recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license.
 4. Fees – See adopted fee schedule.
- M. Cultivation/processing facility shall show proof of being licensed by the state;
- N. Licensed cultivation/processing facility shall maintain a City Business license;
- O. Licensed cultivation/processing facility shall not sell any marijuana related products, including but not limited to extracts, oils, resins or other derivatives on site;

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- P. Marijuana and marijuana related products shall not be used on-site;
- Q. Cultivation/processing facility shall utilize air filtration and ventilation systems to confine objectionable odors;
- R. Any person convicted of manufacture, sale or delivery of a controlled substance is prohibited from being an operator or employee of a production facility or have a financial interest in the production facility.
- S. No signs shall be permitted containing the word "marijuana" or graphic/image of any portion of a marijuana plant or otherwise identifying the product. All wording and graphic/imaging on the interior shall not be visual to the public from outside the facility
- T. No outdoor seating or public gathering space shall be provided
- U. Proper disposal shall be provided for marijuana remnants or by-products, and not placed within the dispensary's exterior refuse containers
- V. Licensed cultivation/processing facility shall be limited to 10,000 square feet
- W. All marijuana in any form kept at the location of the production facility shall be kept within an enclosed, secured building and shall not be visible from any location outside of the building.
- X. Employees shall be required to pass a background check and be a minimum of 21 years of age
- Y. No person under the age of 21 shall be on the premises of a licensed cultivation/processing or storage facility
- Z. One or more managers of the production facility shall be on-call at all times

Section 9.300. Martial Arts Studio (Amend.#25)

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

Section 9.310. Massage Therapist/Massage Facility

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

Section 9.320. Pawn shop (Amend. #33)

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

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

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C. A minimum distance of 500 feet from any residential district or use

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

D. Lighting requirements – light levels shall be in accordance with the following standards:

1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer's specifications
2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance

E. Video surveillance camera(s), two-color digital high definition, required:

1. To maintain view of cash register counter
2. To maintain view of all public and/or employee entrances into building/tenant space
3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of between 4 and 5 feet from the bottom of the door
4. Capable of providing a minimum storage of 30 days of video surveillance data

F. Alarm system required.

1. Alarm system shall be monitored off-site
2. Silent panic alarm shall be provided at each cash register
3. Employees shall be provided a remote alarm to wear on their person

G. Automatic door lock required. An automatic door lock capable of being locked from the cash transaction counter shall be provided

H. Visibility maintained.

1. Unobstructed line of sight shall be maintained at all times from the cash register to the front door
2. Window areas shall be free from posters, flyers and other such visibility blockers

I. Banning disguises, i.e. no caps, sunglasses or visors, etc.

J. Drop safes, bolted to floor shall be required.

K. Height strips shall be required at each public entrance in direct view of employees.

L. "No Loitering/trespass" signs shall be posted at the front entry to the building.

M. Annual review required.

1. An annual review of security measures shall be performed by each establishment with assistance from the Police Department
2. In the event of a robbery, the establishment where the robbery occurred shall, within 15 days of the event, schedule a review of security measures with the Police Department to determine steps to be taken to help deter additional robberies including, but not limited to, adding surveillance cameras, adding new lighting or increase the amount of existing lighting, adding a bullet resistant glass bandit barrier or man trap, requiring a minimum of two employees on a given shift, etc.

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3. In the event of an additional robbery where the Police Department's recommendations have not been implemented from a previous robbery, grounds may exist for revocation of the business license.

Section 9.330. Pet Motel or Training with outdoor exercise area

A pet motel or training facility with an outdoor exercise area shall be set back a minimum of 200 feet from the property line of a residential use or residential district and 100 feet from outdoor seating areas of commercial uses.

Section 9.340. Plant nursery/garden center/greenhouse (commercial in AG and RDR Districts only)

Parking shall be provided and paved with either asphalt or concrete

Section 9.350. Recreation facility or area, commercial (indoor and/or outdoor) (Amend. #33)

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

Section 9.360. Repair services – automotive

Repair services on equipment or vehicles, with respect to which:

- A. All activities are conducted within a building or fully screened area; and
- B. Outside storage is confined to the rear of the property and visually screened in accordance with the buffer standards of Article 13; and
- C. Do not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is housed.
- D. Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or use. (Ventilation, exhaust and air circulation should be considered by the prospective business operator and/or owner when the enactment of this condition is present. Such use may require special fans, air conditioning, etc.).

Section 9.370. Repair services non-automotive

Repair services on nonautomotive equipment provided:

1. All activities are conducted totally within a building; and
2. Provision of services does not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is located.

Section 9.380. Restaurant-drive-in

Restaurant-drive-in provided:

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1. All drive-in stations are screened from view of adjoining properties and streets to eliminate glare from automobile lights;
2. Access is provided from a commercial collector street or internal drive, not a residential street
3. Building, drive and parking, including individual stations, shall be a minimum of 100 feet from any residential district or use
4. Outdoor music shall not be audible at the property line.

Section 9.390. Restaurant-drive-up

Restaurant-drive-up provided:

1. Drive-up window is a minimum of 100 feet from any residential district or use;
2. Minimum five (5) car stacking from window is provided;
3. Drive-up lane is screened from view of adjoining residential district or use; and
4. Drive-up lane is a minimum of 100 feet from any residential district or use.

Section 9.400. Restaurant-drive through

Restaurant-drive through provided:

1. A minimum of five car stacking from order box;
2. Order box is screened from view and located to project sound away from residential districts or uses;
3. Drive-through lane screened from view by high impact screen in accordance with Article 14 in order to eliminate glare; and
4. A minimum distance of 100 feet to any residential district or use shall be maintained to the order (speaker) box or pick-up window.

Section 9.410. Restaurant-general (Amend. #47, #51)

A. Restaurant-general stand-alone facility (individual building on separate lot or parcel) shall provide a minimum distance of 100 feet measured from the building to any residential district (RDR, RLL, R-1, RP-1, RP-2, RP-3, and RP-4) or residential use, with the following exceptions:

1. A restaurant-general located in the CBD district shall have no distance requirement from any existing residential use within the CBD district.
2. A restaurant-general located in a CBD or CP-2 district shall have no distance requirement from any existing loft dwelling use which is located within a CBD or CP-2 district.
3. A restaurant-general located in a CBD or CP-2 district shall have a 100 foot distance requirement from the building to any existing residential use which is located within a TNZ or PO district.

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4. A restaurant-general located in the M-150 Corridor Development Overlay districts CDO-MR, CDO-MC, or CDO-ME shall have no distance requirement from any multi-family (apartment) or loft dwelling use within any M-150 CDO-MR, MC or ME district.
- B. Restaurant-general in-line tenant space facility (located in a strip center or series of attached commercial shops) shall provide a minimum distance of 50 feet measured from the building in which located to any residential district (RDR, RLL, R-1, RP-1, RP-2, RP-3, and RP-4) or residential use. Same exceptions apply as stated in (A) above.
- C. Access is provided from a commercial street or internal drive from a commercial street.

Section 9.420. Seasonal sales

- A. Seasonal sales limited to 90 days (See Article 11 Special Events).
- B. Seasonal sales areas intended for sales longer than 90 days shall install permanent decorative fencing with brick or masonry pilasters to separate such sales from travel ways. Such sales areas shall first be approved by the Director prior to their placement. The following requirements shall govern their location.
 1. A maximum of ten percent (10%) of the total number of parking spaces dedicated to the primary business intending to operate seasonal sales shall be used;
 2. No fire lane or emergency access area shall be used at any time for either the sale of goods or pick-up or loading area;
 3. No handicapped parking spaces shall be used or interfered with at any time;
 4. Reasonable traffic flow shall be maintained in and around the sales area.

Section 9.430. Swimming pools, subdivision

- A. Subdivision swimming pools to be located on platted tracts or common areas within an existing subdivision shall be allowed as a permitted use with conditions provided:
 1. The swimming pool, including concrete apron or deck structure and any associated mechanical equipment or other pool appurtenances, is setback from all property lines by a minimum distance of twenty feet; and
 2. A medium impact screen is provided per Article 14 of this Chapter along any common property line shared with a residential dwelling; and
 3. Lighting of the swimming pool area, except by low level bollard type lighting or wall pack with 90 degree cutoffs, shall only be provided by Special Use Permit, SUP (see Article 10 of this Chapter).
- B. Subdivision swimming pools to be located on a platted lot (or lots) within an existing subdivision shall be allowed as a permitted use with conditions provided:
 1. The lot(s) on which the swimming pool is to be located is either owned or is to be owned and under the control of the homes association; and
 2. A medium impact screen, per Article 14 of this Chapter, is placed on all common property lines to any adjoining residential lots within the subdivision and located on a three (3) foot tall berm; or in lieu thereof, a six (6) foot tall opaque vinyl fence with a low impact screen placed between the fence and property line; or

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3. A 6 foot tall opaque vinyl fence with a medium impact screen planted between the fence and property line, per Article 14 of this Chapter, is placed on all shared property lines of residential property not within the subdivision; and
4. The swimming pool, including concrete apron or deck structure and any associated mechanical equipment or other pool appurtenances, is setback from all property lines by a minimum distance of twenty feet; and
5. Lighting of the swimming pool area, except by low level bollard type lighting or wall pack with 90 degree cutoffs, shall only be provided by Special Use Permit, SUP (see Article 10 of this Chapter).

Section 9.440. Title Loan Business (Amend. #29)

(See “Unsecured Loan Business”)

Section 9.450. Unsecured Loan Business (Amend. #29 and #33)

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

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

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

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

- D. Lighting requirements – light levels shall be in accordance with the following standards:
 1. Indoor-lobby – Light levels of sufficient intensity to provide for high resolution video data recording from the digital video surveillance cameras in accordance with the camera manufacturer’s specifications
 2. Outdoor – Minimum lighting levels of 5 footcandles shall be maintained at the stores entrance or shall be sufficiently lit to provide for high resolution video data recording of outside activity within 50 feet of the store entrance
- E. Employee protection required.
 1. Banning disguises, i.e., no caps, sunglasses or visors, etc.
- F. Video surveillance camera(s), two-color digital high definition, required:
 1. To maintain view of cash register counter
 2. To maintain view of all public and/or employee entrances into building/tenant space
 3. To maintain view of customers leaving via a door mounted pin hole camera, to be positioned at a height of 5 feet from the bottom of the door
 4. Capable of providing a minimum storage of 30 days of video surveillance data
- G. Alarm system required.

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

Section 9.460. Utility building and services

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

Section 9.470. Veterinarian

- A. A veterinarian, with respect to which, all buildings and activities are located at least one hundred (100) feet from any property zoned or used for residential purposes.
- B. When all activity is conducted totally inside of the building the standard district setback shall apply.

Section 9.480. Yoga Studio (Amend. #25)

- A. Limited to 12 students per class
- B. Limited to one (1) class at a time

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- C. One (1) hour minimum time lapse between classes to lessen the parking impact on surrounding businesses