

BILL NO. 23-078
ORDINANCE NO. 19477

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO OFFICE AND COMMERCIAL DISTRICTS USES FOR ADULT BUSINESSES.

WHEREAS, in March 1993, the City Council passed Ordinance No. 12351 enacting a new Article 17 of Chapter 5 to regulate adult entertainment businesses; and,

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, the City seeks to amend the office and commercial use regulations of Article 3, Chapter 14 to include adult businesses; 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 25, 2023, 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, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 5, 2023, 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 14-301 of Chapter 14, Unified Development Ordinance, are hereby amended:

14-301 OFFICE AND COMMERCIAL DISTRICTS

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.

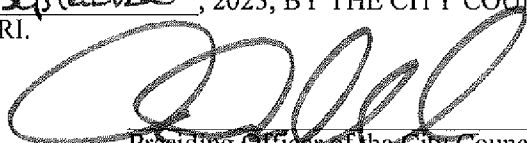
14-301-03-G. Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
Use Category	Zoning District					Use Standards
Specific use type	O-1	O-2	C-1	C-2	C-3	
COMMERCIAL						
Adult Business	—	—	—	S	—	City Code Chapter 5

SECTION 2. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

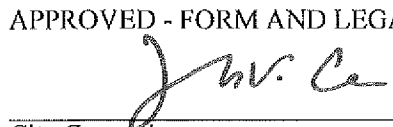
SECTION 3. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

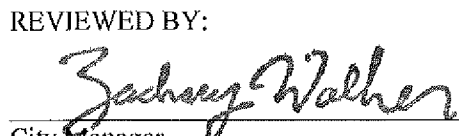
PASSED THIS 5th DAY OF September, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.


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

ATTEST:

 Interim City Clerk

APPROVED - FORM AND LEGALITY:

 City Counselor

REVIEWED BY:

 City Manager

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