

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** amending subsection 24002.2 and repealing subsections 24004.8 and 24004.9, Jackson County Code, 1984, relating to land use in the unincorporated County, and enacting, in lieu thereof, three new subsections relating to the same subject, with a transition provision.

**ORDINANCE #4378**, January 3, 2012

**INTRODUCED BY** Crystal Williams, County Legislator

WHEREAS, it is in the best interests of the health, welfare, and safety of the citizens of Jackson County that the Legislature adopt standards relating to the location of new pawnshops and short-term loan establishments in the unincorporated County; and,

WHEREAS, at its meeting of November 17, 2011, the Plan Commission unanimously recommended the adoption of the standards in this regard that are embodied in this Ordinance; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Subsection 24002.2, Jackson County Code, 1984, is hereby amended to add the following definitions to that subsection, with existing definitions to be renumbered accordingly:

Pawnshop. A business that lends money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by chapter 367, RSMo.

Short-term loan establishment. An establishment which (a) engages in the business of loaning money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title, or (b) is registered as a lender under state or federal law. This classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stores, and car title loan stores.

Subsections 24004.8 and 24004.9, Jackson County Code, 1984, are hereby repealed, and three new subsections enacted in lieu thereof, to be known as subsections 24004.8, 24004.9, and 24005.15, to read as follows, with existing subsections to be renumbered accordingly:

## 24004.8 LOCAL BUSINESS DISTRICT (LB)

- a. **Purpose.** The Local Business District (LB) is intended to provide limited retail, service and office facilities for the convenience of residents in the vicinity of the district. Uses should be designed and operated to be compatible in scale and appearance with a nearby residential development. LB districts should be located at the intersections of collector or major roads. The Local Business District is appropriate in the Urban, Suburban or Rural Development Tier as depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Service levels should be adequate to meet normal and emergency demands from proposed uses in the LB district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses subject to a limitation of 10,000 square feet gross building floor area and any other conditions established in these district provisions:
1. Art and photographic supplies/sales, developing and studios.
  2. Automobile repair with all repair facilities contained within a building and no outside storage of inoperable vehicles;
  3. Bakeries.
  4. Banks, savings and loan associations, credit unions and related financial institutions
  5. Car washes, self-service.
  6. Churches, temples, synagogues, mosques and related community buildings.
  7. Civic clubs, private clubs, fraternal or sororal organizations.
  8. Fire stations and EMS facilities.
  9. Gasoline sales and service stations.
  10. Group day care home or day care center subject to the conditions established in Section 24005.6.
  11. Health clubs, gymnasiums and similar recreational uses.
  12. Hospitals and clinics.
  13. Hotels and motels.

14. Indoor movie or live theaters, excluding adult uses.
15. Libraries.
16. Mortuaries.
17. Museums.
18. Off-premise signs pursuant to Section 24007.
19. Office and service facilities.
20. Personal service shops.
21. Post offices, retail packaging and shipping services.
22. Printing, photocopying and document production/reproduction shops.
23. Public buildings, parks and facilities.
24. Restaurants, with no sales of alcohol, and no dancing or other forms of entertainment.
25. Retail and service - local.
26. Sale, rental and repair of appliances, bicycles and small equipment, conducted within an enclosed building.
27. Schools (public or private), and related structures, for grades K - 12.
28. Sports courts, swimming pools and tennis courts.
29. Telecommunications facilities pursuant to Section 24005.21.
30. Trades shops, for the manufacture or repair and sale of goods comprised of metal, wood, glass, plastic or other products, with manufacturing floor area limited to fifty percent (50%) of gross building floor area.
31. Utility distribution and collection facilities, excluding production, treatment and electrical transmission facilities.
32. Water storage tanks, fill stations or towers on a site including one-

half acre or more.

c. **Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 244003.21.

1. Cemeteries and burial grounds.
2. Cocktail lounges, bars, taverns, night clubs and other establishments serving alcoholic beverages, excluding adult uses.
3. Electrical transmission lines pursuant to Section 24005.21.
4. Pawnshops and short-term loan establishments subject to the provisions of Section 24005.15.

[4] 5. Schools, trade or vocational.

[5] 6. Water and wastewater treatment facilities.

d. **Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory dwelling, subject to the provisions of Section 24005.2.
2. Greenhouses.
3. On or off-premise signs, subject to the provisions of Section 24007.
4. Storage buildings, including garages, sheds and enclosures for temporary storage of refuse.
5. Telecommunications facilities pursuant to Section 24005.21.
6. Other uses customarily incident to authorized uses.

e. **Planned Uses.** The following uses may be authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Any permitted use occupying more than 10,000 square feet of gross building floor area.
2. Group quarters.
3. Mixed use developments.

4. Multi-family dwellings.
5. Nursing homes pursuant to Section 24005.11.
- f. Development Performance Standards.**
  1. Development in the LB district shall comply with the standards established in Exhibit 240.13 in addition to other standards established in the UDC.
  2. Open storage is prohibited.
  3. All display, storage and sale of goods shall be provided within the primary structure.
  4. No vehicle or equipment, other than a passenger vehicle may be stored or parked in front of a building for more than 48 consecutive hours.
  5. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential development.
  6. Non-residential development shall be located on a collector or arterial road.
  7. Drive-through uses are prohibited, except as permitted through a planned development.

#### **24004.9 GENERAL BUSINESS DISTRICT (GB)**

- a. **Purpose.** The General Business District (GB) is intended to provide more intensive retail, service and office uses than the LB district. Site development regulations and performance standards are intended to ensure that uses will be compatible and complementary in scale to adjacent developments. Uses in this District should be located, designed and operated to mitigate the impacts of traffic generation, noise and light on nearby residential neighborhoods. The General Business District is appropriate in the Urban Development Tier as depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. Full urban services are required for most uses in the GB district.
- b. **Permitted Uses.** The following uses are authorized as permitted uses

subject to any conditions established in these district provisions:

1. Amusements and recreational facilities with an enclosed building.
2. Any use permitted in the LB district, but not subject to the maximum area limitations.
3. Assembly, lodge or dance halls.
4. Automobile/truck/trailer/boat sales, rental and repairs, with all repair facilities contained within a building and no open storage of inoperable vehicles.
5. Broadcast studios.
6. Chemicals, agricultural - wholesale.
7. Cocktail lounges, bars and taverns pursuant to 24005.7.
8. Delivery services.
9. Group homes pursuant to Section 24005.11.
10. Lumber yards.
11. Mobile home sale and repair.
12. Museums.
13. Nurseries and greenhouses, retail or wholesale.
14. Off-premise signs, subject to the provisions of Section 24007.
15. Office and service facilities.
16. Printing plants.
17. Restaurants, with sales of alcohol.
18. Schools, colleges and universities, public or private.
19. Sports courts, swimming pools and tennis courts.
20. Stables (public).

21. Truck stops.
22. Veterinary clinics.
23. Wholesale sales.

**c. Conditional Uses.** The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Amusement parks, carnivals or fairgrounds, subject to the conditions established in Section 24005.17.
  2. Animal exhibits or zoos, subject to the conditions established in Section 24005.4.
  3. Adult uses, not located within 1,500 feet of a church or school and subject to the provisions of Chapter 43.
  4. Aviaries.
  5. Businesses serving alcoholic beverages and providing live entertainment.
  6. Commercial telecommunication structures, subject to the provisions of Section 24005.21.
  7. Delivery services.
  8. Drive-In theaters.
  9. Outdoor swap meets and flea markets, subject to the provisions of Section 24005.10.
  10. Pawnshops and short-term loan establishments, subject to the provisions of Section 24005.15.
- [10]11. Recreational facilities pursuant to Section 24005.17.

**d. Accessory Uses.** The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory buildings, subject to the provisions of Section 24005.2
2. On or off-premise signs subject to the provisions of Section 24007.



3. Sports courts, swimming pools and tennis courts - private.
  4. Storage buildings.
  5. Telecommunications receiving or transmitting structures used in conjunction with a permitted use, subject to the provisions of Section 24005.21.
  6. Temporary sales events pursuant to Section 24005.20.
  7. Temporary assembly and amusement pursuant to Section 24005.20.
  8. Other uses customarily incident to authorized uses.
- e. Planned Uses.** The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.
1. Dwellings, multi-family.
  2. Group quarters pursuant to Section 24005.11.
  3. Mixed use developments.
- f. Development Performance Standards.**
1. Development in the GB district shall comply with the standards established in Exhibit 240.14 in addition to other standards established in the UDC.
  2. Sales areas shall not be located within required landscaping or parking area.
  3. Open storage is prohibited, except that vehicles for sale may be displayed in accordance with other district standards.
  4. Lighting shall be designed so that the source is not directly visible from adjacent residential properties or streets.

**24005.15 PAWNSHOPS AND SHORT-TERM LOAN ESTABLISHMENTS**

Pawnshops and short-term loan establishments may be authorized as conditional uses in districts LB and GB only, subject to the following conditions:

- a. No such establishment shall be permitted within ~~[[2,500 feet]]~~ one mile of another pawnshop or short-term loan establishment.
- b. No such establishment shall be permitted within 1,000 feet of any church, school, daycare facility, public building, public park, or hospital.
- c. No such establishment shall be permitted within 500 feet of any residential district or use.
- d. Separation distances shall be measured from property line to property line.
- e. Any such establishment may be permitted only as a principal use of a property and may not be accessory to any other use. No such establishment may operate any accessory uses.

Section B. Transition Provision. The County Counselor, as Revisor of the Code pursuant to section 140 of the Code, is hereby authorized to modify any table or exhibit contained in chapter 240 of the Code that is affected by this Ordinance, to ensure consistency herewith.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

[Signature]  
Chief Deputy County Counselor

[Signature]  
County Counselor

I hereby certify that the attached Ordinance, Ordinance #4378 introduced on January 3, 2012 was duly passed on January 17, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 1

Abstaining 0

Absent~~s~~ 0

This Ordinance is hereby transmitted to the County Executive for his signature.

1-18-12  
Date

[Signature]  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4378.

1/19/2012  
Date

[Signature]  
Michael D. Sanders, County Executive

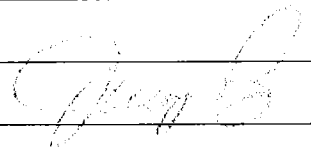
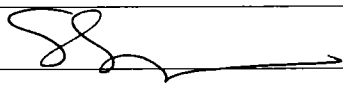
# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

\*Res/Ord No.: 4378

Sponsor(s): Crystal Williams

Date: January 3, 2012

SUBJECT	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance                  Project/Title: Repealing Sections 24004.8.c and 24004.9.c, Jackson County Code, relating to Conditional Use Permits and enacting, in lieu, new sections relating to the same subject. Adding new subsection to 24005 (24005.15) relating to Pawnshops and Short Term Loan Establishments and renumbering subsequent subsections accordingly. <u>Legislative Action (Jackson County Public Works), Case No. LA-2011-023</u></p>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="316 552 1190 861"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):                  Prior Year Actual Amount Spent (if applicable):</p>		Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT
Amount authorized by this legislation this fiscal year:	\$											
Amount previously authorized this fiscal year:	\$											
Total amount authorized after this legislative action:	\$											
Amount budgeted for this item * (including transfers):	\$											
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT											
PRIOR LEGISLATION	Prior ordinances and (date): Prior resolutions and (date):											
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577											
REQUEST SUMMARY	Requesting an ordinance amending Sections 24004.8.c and 24004.9.c in the Unified Development Code, (UDC), Chapter 240 of the Jackson County Code to include new sections pertaining to Pawnshops and Short Term Loan (Pay Day Loan) establishments. Authorizing such establishments as a Conditional Use within LB (Local Business) and GB (General Business) Zoning Districts. A new subsection will be added to 24005 (24005.15) and renumbering subsequent subsections accordingly. Charts at Exhibit 240.18 and Appendix A will be revised. Definitions will be inserted at Section 24002. The Jackson County Plan Commission voted 9 to 0 to recommend <u>APPROVAL</u> to the County Legislature.											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	See Attachment to RLA-1											
REVIEW	Department Director: Jerry A. Page, P.E.  Finance (Budget Approval): <i>If applicable</i> Division Manager:  County Counselor's Office:	Date: 12/01/2011  Date:  Date: 12/29/11  Date:										

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

**ATTACHMENT TO RLA-1:**

Attachments

1. Amendments to Chapter 240, Sections 24005.15, 24004.8.c, 24004.9.c, 24002, Jackson County Code.
2. Plan Commission Minutes from November 17, 2011
3. Staff Report Dated September 15, 2011
4. Application
5. City Regulations (A – D)
6. Comparison of City and County Regulations

### **1. LA-2011-023 – Public Works Development Division**

Requesting an amendment to Section 24004.8 and Section 24004.9 in the Unified Development Code, Chapter 240 of the Jackson County Code pertaining to pawnshops and short-term loan establishments. The purpose is to authorize said establishments as conditional uses within District LB (Local Business) and District GB (General Business) and placing certain location and other restrictions on such establishments.

Mr. George introduced LA-2011-023 and entered 7 exhibits into the record. Mr. George gave the staff report with comments and recommendation as follows: the request is to amend Sections 24004.8.c and 24004.9.c in the Unified Development Code, Chapter 240 of the Jackson County Code to include new sections pertaining to pawnshops and short term loan (Pay Day Loan) establishments and authorizing such establishments as a conditional use within the LB (Local Business) and GB (General Business) zoning districts. A new subsection will be added to 24005 (24005.15) and subsequent subsections will be renumbered accordingly. Charts in Exhibit 240.18 and Appendix A will be revised and definitions for these establishments will be inserted at Section 24002.

As stated, the purpose of this amendment is to include within the UDC, restrictions on locations of pawnshop and short term loan establishments within the unincorporated areas of Jackson County.

Pawnshop. A business that lends money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by chapter 367, RSMo.

Short-term loan establishment. An establishment which (a) engages in the business of loaning money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title, or (b) is registered as a lender under state or federal law. This classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stress, and car title loan stores.

Pawnshops and short-term loan establishments may be authorized as conditional uses in districts LB and GB only, subject to the following conditions:

- 1) No such establishment shall be permitted within 2,500 feet of another pawnshop or short-term loan establishment.
- 2) No such establishment shall be permitted within 1,000 feet of any church, school, daycare facility, public park or hospital.
- 3) No such establishment shall be permitted within 500 feet of any residential district or use.

- 4) Separation distances shall be measured from property line to property line.
- 5) Any such establishment may be permitted only as a principal use of a property and may not be accessory to any other use. No such establishment may operate any accessory uses.

Other cities have passed similar ordinances pertaining to these types of financial services. (Exhibits 9A - D). The County Counselor's Office assisted Staff with the proposed amendment. The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Mr. Tarpley wanted to know how the 2500 foot limit was determined.

Mr. George said the distance was in line with other entities with similar ordinances.

Mr. Pointer asked if the pawnshops would need to be bonded.

Mr. George said pawnshop licensing and bonding was regulated by the state.

Mrs. Mershon wanted to know if a person decided to establish a daycare center within 2500 feet of one of these establishments, would they be able to have the establishment shut down.

Chairman Antey said a conditional use has an expiration date and an establishment would be able to remain during the time provided in the conditional use. Any one wishing to obtain a conditional use permit to operate one of these establishments would need to appear before the commission for approval.

There were no further questions for staff.

Crystal Williams, 2<sup>nd</sup> district legislator at large, appeared to speak in favor of the legislative action. Ms. Williams said that Theresa Garza Ruiz was working with her in sponsoring this action. She said there were neighborhoods in Kansas City and Blue Springs where these types of businesses were clustered and traffic to these businesses caused other businesses in the area to close and the areas to become blighted. They were concerned that with more development occurring in eastern Jackson County, this clustering could happen there.

Mr. Pointer said that pawnshops tend to blight a neighborhood.

Ms. Williams said that was why they were included in the proposal

Mr. Tarpley wanted to know if existing businesses that had a conditional use permit would be grandfathered.

Ms. Williams said they would be grandfathered.

Chairman Antey said that this was a proactive approach getting the ordinance approved before the problem arose.



Mr. Aikens wanted to know why there was only a half mile separation instead of the mile required by Kansas City and Lee's Summit.

Ms. Williams said the smaller separation was due to less density in the unincorporated area.

Counselor Snyder said the distance was comparable to other counties such as St. Louis and St. Charles.

Mr. Pointer said he thought that Lee's Summit did not allow any pawnshops.

Ms. Williams said she was not sure.

Counselor Snyder said he wasn't aware of an absolute prohibition but there my regulations prohibiting any new shops.

There were no further questions for Ms. Williams.

Molly Fleming Pierre, Communities Creating Opportunities, appeared to speak in favor of the application. Ms. Pierre said her organization had been targeting payday lending since 1998 and had played a role in helping to pass Kansas City's ordinance. She said the loan companies had an extreme economic impact on families often charging 400% interest on loans. She said there was also an impact on the neighborhood with property values being lowered and possibility of crime being increased. Ms. Pierre said that these establishments set up along the edges of communities with strong ordinances regulating them and this was what the proposed ordinance would prohibit happening in the unincorporated area.

There were no questions for Ms. Pierre and no one else to speak in favor of or in opposition to the application.

Mr. Tarpley moved to take LA-2011-023 under advisement. Mr. Pointer seconded the motion.

Mr. Pointer said he saw nothing wrong with the proposed action. He said the county wasn't overriding city ordinances but rather protecting city boundaries.

Chairman Antey said any conditional use permit for one of these establishments would need to be approved by the commission. He said in some areas, these establishments must maintain a certain distance from military bases.

Mr. Tarpley said such a regulation is long over due.

Mrs. Mershon said as a resident of the unincorporated area, she would like to see the distance increased to a mile stating that a half mile in the unincorporated area was comparable to 3 blocks in an urban area.

Chairman Antey said the regulation could be approved with an amendment.

Mrs. Mershon moved to approve LA-2011-023 with the distance amended to one mile. Mr. Haley seconded the motion.

VOTE:

Mr. Aikins	Approve
Mr. Crawford	Approve
Mr. Gibler	Approve
Mr. Haley	Approve
Mrs. Mershon	Approve
Mr. Pointer	Approve
Mrs. Query	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

**LA-2011-023 APPROVED (9 – 0)**

## STAFF REPORT

### PLAN COMMISSION September 15, 2011

RE: LA-2011-023

**Applicant:** Jackson County Public Works Department – Development Division

**Request:** Amend Sections 24004.8.c and 24004.9.c in the Unified Development Code (UDC), Chapter 240 of the Jackson County Code to include new sections pertaining to Pawnshops and Short Term Loan (Pay Day Loan) establishments. Authorizing such establishments as a Conditional Use within the LB Local Business and GB General Business Zoning Districts. A new subsection will be added to 24005 (24005.15) and renumbering subsequent subsections accordingly. Charts at Exhibit 240.18 and Appendix A will be revised. Definitions for these establishments will be inserted at Section 24002.

**Purpose:** As stated, the purpose of this amendment is to include within the UDC, restrictions on locations of pawnshop and short term loan establishments within the unincorporated areas of Jackson County.

Pawnshop. A business that lends money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by chapter 367, RSMo.

Short-term loan establishment. An establishment which (a) engages in the business of loaning money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck, or car title, or (b) is registered as a lender under state or federal law. This classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stores, and car title loan stores.

**Comments:** Pawnshops and short-term loan establishments may be authorized as conditional uses in districts LB and GB only, subject to the following conditions:

- 1) No such establishment shall be permitted within 2,500 feet of another pawnshop or short-term loan establishment.
- 2) No such establishment shall be permitted within 1,000 feet of any church, school, daycare facility, public park or hospital.

- 3) No such establishment shall be permitted within 500 feet of any residential district or use.
- 4) Separation distances shall be measured from property line to property line.
- 5) Any such establishment may be permitted only as a principal use of a property and may not be accessory to any other use. No such establishment may operate any accessory uses.

Other cities have passed similar ordinances pertaining to these types of financial services. (Exhibits 9A - D)

The County Counselor's Office assisted Staff with the proposed amendment.

**Recommendation:**

The Development Division requests the Plan Commission forward a favorable recommendation to the County Legislature.

Respectfully submitted,  
Planning and Development Division

Randy Diehl  
Interim Administrator

**JACKSON COUNTY, MISSOURI**  
**UNIFIED DEVELOPMENT CODE TEXT AMENDMENT APPI**

Application is hereby made to the Planning Commission and the County Legislature of Jackson County, Missouri for a text amendment to the county's Unified Development Code.

Application must be filed with the Jackson County Planning and Development Division, 303 West Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.

The filing fee is \$250 (non-refundable), check payable to Manager of Finance.

APPLICANT: PUBLIC WORKS DEVELOPMENT DIVISION DATE: 8-5-11  
(Please Print)  
ADDRESS: 303 W. WALNUT PHONE: 816-881-4577  
CITY/STATE/ZIP: INDEPENDENCE MO 64050 FAX: 816-881-4448

**TEXT AMENDMENT REQUESTED**

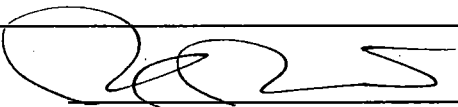
Section 24004.8 Title LOCAL BUSINESS/GENERAL BUS. ZONING DISTRICTS  
Section 24004.9

**PROPOSED CHANGE IN TEXT (Please attach additional pages if needed):**

SEE ATTACHED

**PURPOSE FOR WHICH AMENDMENT IS SOUGHT (Please attach additional pages if needed):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
(Signature)

8-5-11  
(Date)

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Legislative Action Case Number LA-~~200~~ 2011-023

Date filed 8-5-11 Date of hearing 9-15-11 Date Advertised 8-31-11  
Heard by PC Date 9-15-11 Decision 9-0 Approve  
Heard by LV Date \_\_\_\_\_ Decision \_\_\_\_\_  
Heard by LEG Date \_\_\_\_\_ Decision \_\_\_\_\_

BB. *Short Term Loan Service.*

1. *Separation from other uses.* No short term loan service establishment shall be allowed to locate or expand within two hundred (200) feet of any "RE", "SF", "T-3", "T-4", "TF" or "MF" zoned lot or within one thousand five hundred (1,500) feet of any school, elementary, middle or high or parks and recreation use as those terms are defined in the City Code. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the short term loan service establishment to the nearest lot line of the lot that is zoned "RE", "SF", "TF", or "MF" or that contains the school, elementary, middle or high or parks and recreation use.

2. *Separation from other short term loan service.* No short term loan service establishment shall be allowed to locate or expand within one thousand five hundred (1,500) feet of any other short term loan service use or within one thousand five hundred (1,500) feet of any pawnshop or precious metal and gem dealer as they are defined in Section 605.010 and Section 615.010 respectively. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the short term loan service establishment to the nearest lot line of the lot that contains the other short term loan service or the pawnshop or precious metal and gem dealer use.

3. *Separation from City limits.* No short term loan service establishment shall be allowed to locate or expand within one thousand five hundred (1,500) feet of City of Blue Springs boundary lines. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the short term loan service establishment to the nearest City limits boundary line.

4. *Limitation on number.* Not more than one (1) conditional use permit for a short term loan service shall be issued per each increment of four thousand five hundred (4,500) persons that make up the population of the City of Blue Springs. The population of the City, for the purpose of this Section, shall be determined annually by the City, submitted to and approved by the City Council. This determination shall be submitted to the City Council on or before January first (1st) of each year.

**Article 9. USES PERMITTED WITH CONDITIONS**

**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. 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 9.290. 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 9.300. 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
- 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

## Article 9. USES PERMITTED WITH CONDITIONS

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, ie., 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.
  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 9.310. Plant nursery/garden center/greenhouse (commercial in AG and RDR Districts only)**

Parking shall be provided and paved with either asphalt or concrete

### **Section 9.320. 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.



**Article 9. USES PERMITTED WITH CONDITIONS**

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
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 9.410. Title Loan Business (Amend. #29)**

(See "Unsecured Loan Business")

**Section 9.420. 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

## Article 9. USES PERMITTED WITH CONDITIONS

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.
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 9.430. 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 9.440. 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.

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USE GROUP	Zoning District			Use Standard
	DC	DX	DR	
Use Category ↳ specific use type				
<b>Personal Improvement Service</b>				
Repair or Laundry Service, Consumer				
Research Service				
Retail Sales				
Sports and Recreation, Participant				
↳ Indoor				
↳ Outdoor				
Vehicle Sales and Service (except as noted below)				
↳ Car wash/cleaning service				
↳ Heavy equipment sales/rental				
↳ Light equipment sales/rental (indoor)				
↳ Light equipment sales/rental (outdoor)				
↳ Motor vehicle repair, limited				
↳ Motor vehicle repair, general				
↳ Vehicle storage/towing				
<b>INDUSTRIAL</b>				
<b>Manufacturing, Production and Industrial Service</b>				
↳ Artisan				
↳ Limited				
↳ General				
<b>Recycling Service</b>				
↳ Limited				
<b>Residential Storage Warehouse</b>				
<b>Warehousing, Wholesaling, Freight Movement</b>				
↳ Indoor				
↳ Outdoor				
<b>AGRICULTURAL</b>				
<b>Agriculture, Crop</b>				
<b>Wireless Communication Facility</b>				
↳ Freestanding				
↳ Co-located antenna				88-385

**88-325 SHORT-TERM LOAN ESTABLISHMENTS**

88-325-01 Short-term loan establishments are subject to the following conditions and restrictions:

88-325-01-A. No such establishment shall be located within one mile of another short term loan establishment or pawnshop. This separation distance shall be

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measured from property line to property line. When measuring separation distances between establishments on the same lot, the distance shall be measured from the front door of each of the establishments.

**88-325-01-B.** No such establishment shall be located within or within 1,000 feet of a property or district which has been designated as a landmark or historic district.

**88-325-01-C.** Such establishment may be operated only as a principal use of a property and may not be accessory to any other use. A short-term loan establishment may not operate any accessory uses.

**88-805-04-K. FINANCIAL SERVICES**

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, mortgage companies, pawnshops, and short-term loan establishments.

1. **BANK**

An establishment that is engaged in the business as a bank or trust company, and is federally chartered or state chartered. "Bank" also includes credit unions that are federally or state chartered, and mortgage companies that provide mortgage loans as a principal part of their operation, with the loans secured by an interest in real property as collateral for the loan.

2. **PAWN SHOP**

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by Chapter 367, RSMo.

3. **SAVINGS AND LOAN ASSOCIATION**

An establishment that is engaged in the business as a savings and loan association and is federally chartered or state chartered.

4. **SHORT-TERM LOAN ESTABLISHMENT**

An establishment which (a) engages in the business of providing money to customers on a temporary basis, wherein such loans are secured by post-dated check, paycheck or car title, or (b) is registered as a lender under state or federal law. The classification does not include a state or federally chartered bank, savings and loan association, credit union, or mortgage broker or originator. Further, this classification does not include establishments selling consumer goods, including consumables, where the loans or the cashing of checks or money orders are incidental to the main purpose of the business. This classification does include, but is not limited to, check cashing stores, payday loan stores, and car title loan stores.

## 14-402 FINANCIAL SERVICES

### 14-402-01 APPLICABILITY

The standards of this article apply to pawn shops and short-term loan services.

### 14-402-02 SEPARATION AND NUMBER OF ESTABLISHMENTS PER CAPITA

**14-402-02-A.** Pawnshops and short-term loan services may not locate or expand an existing operation within 2,500 feet of the boundary of the City of Independence or within 2,500 feet of another pawn shop or short-term loan service.

**14-402-02-B.** Pawnshops and short-term loan services may not locate or expand an existing operation within 1,500 feet from any church, school, day care facility, public building, public park, or hospital.

**14-402-02-C.** Pawnshops and short-term loan services may not locate or expand an existing operation within 500 feet from any residential district or use.

**14-402-02-D.** The distance between any of these uses will be measured in a straight line, without regard to intervening structures or properties, from the closest exterior structural wall of each business.

**14-402-02-E.** No permit may be issued for a short-term loan service or pawn shop where it is determined that the total number of such facilities will exceed a population density factor of one such establishment per 3,500 residents based on the last decennial census.

### 14-402-03 VEHICLE STORAGE AND/OR DISPLAY

No vehicle, including but not limited to motor vehicles, motor homes, trucks, trailers, motorcycles, scooter, boats, and recreational vehicles, that have been repossessed or are owned or controlled by the business shall be stored, or offered or displayed for sale, on the property upon which the business is located.

	Distance between same type bussinesses	Distance from Schools, Churches Daycares, Parks, etc..	Distance from Residential District or Use	Ratio per population
Jackson County	2,500'	1,000'	500'	n/a
Kansas City	1 Mile	n/a	1,000'	n/a
Independence	2,500'	1,500'	500'	1 per 3,500
Lee's Summit	5,280'	1,500'	500'	n/a
Blue Springs	1,500'	1,500'	200'	1 per 4,500