

ORDINANCE NO. 120907

Amending Chapter 10, Code of Ordinances, by repealing Section 10-212, Distance from churches and schools, and enacting in lieu thereof a new section of like number and subject matter to eliminate the requirement that a sales by drink or sales by package liquor licensed premise that would be located within 100 feet of a church or school must have five or more buildings located together and be managed and marketed as a single mixed use development.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 10 is hereby amended by repealing Section 10-212, Distance from churches and schools, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 10-212. Distance from churches or schools.

(a) No alcoholic beverage license shall be issued for any location when the premises are within 300 feet of a school or church, measured from the nearest point of the enclosing wall of the premises to the nearest point of a church or school as defined in this chapter. However, if a dwelling is the site of a proposed catered function, occasion or event, the requirements for the distance from any school or church is reduced to within 100 feet from the church or school. This provision shall not prohibit a church or school, meeting the requirements of this chapter, from holding a catered function, occasion or event on the property of the school or church.

(b) No alcoholic beverage license shall be issued for the expansion of any existing premises within 300 feet of a school or church, measured from the nearest point of the enclosing wall of the premises to the nearest point of the church or school as defined in this chapter.

(c) The property for a licensed premises situated thereon, legally established within 300 feet of a church or school prior to the adoption of this chapter, shall remain eligible for the location of a licensed premises within 300 feet of the church or school under the following conditions:

- (1) The licensed premises must have been legally established within 300 feet of a church or school prior to the adoption of this chapter, and
- (2) An application for a new license for the premises must be filed within 120 days from the latter date that:
 - a. The licensee surrenders the license, or
 - b. The date that the license is canceled, terminated or revoked by the city, or

ORDINANCE NO. 120907

- c. The date that the licensee cancels, terminates or abandons the lease, and
- (3) A relocation of the original premises to another location on the property shall not be permitted; and
- (4) Changes from an existing retail sale-by-drink license to any other license classification, or from an existing sale-by-package license to any other license classification, or from any other classification of license issued under this chapter to another license classification shall not be permitted, and
- (5) All other requirements for licensing a premises under this chapter are met.

(d) The provisions of section 10-212(a) shall not apply for the location of a proposed premises for a restaurant-bar sale-by-drink establishment if the proposed premises is located in an area of the city zoned C3a2 as of the effective date of the ordinance enacting this subsection.

(e) The provisions of section 10-212(a) relating to the distance from churches but not schools shall not apply for the location of a proposed premises in a planned district defined in sections 80-272 through 80-281 of the Code of Ordinances, which includes a church as part of a development plan approved by the city.

(f) The provisions of section 10-212(a) relating to the distance from churches but not schools shall not apply for the location of a proposed premises in a general planned development district defined in chapter 80 of the Code of Ordinances:

- (1) Which is zoned either GP2 or GP3 and is also zoned either GP-4 or GP-5 and which has been merged into a single zone on the basis of an appropriate integrated design plan; and
- (2) Which includes a church as part of a development plan approved by the city council.

(g) The provisions of subsections 10-212(a) and (b) shall not apply to a liquor licensed premise that is currently or is proposed to be located between 100 feet and 300 feet from a church or school as measured from the nearest point of the enclosing wall of the proposed or current liquor licensed premise to the nearest point of the church or school as defined in this chapter provided that the managing authority from the church or school submits a written and notarized statement to the director stating they have no objection to a liquor-by-the drink or liquor-by-the package premise obtaining a liquor license, upgrading the current liquor license or expanding the current premise.

ORDINANCE NO. 120907

(h) No alcoholic beverage license shall be issued within 100 feet of a church or school, as measured from the nearest point of the enclosing wall of the proposed or current liquor licensed premise to the nearest point of the church or school as defined in this chapter unless the following conditions have been met:

- (1) The applicant must provide, to the director, a written and notarized statement from the managing authority from the church or school stating they have no objection to a liquor-by-the drink or liquor-by-the package premise obtaining a liquor license, upgrading the current liquor license or expanding the current premise.
- (2) The director must provide written notice to all property owners within one hundred feet of the current or proposed licensed premises that an application for a liquor-by-the drink or liquor-by-the package premise has been submitted and the director shall not approve any application for an alcoholic beverage license until at least ten days' has passed from the date the notice was sent.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney