



# CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

March 21, 2023

**Project Name**  
Chapter 88 Code Amendment –  
Eating & Drinking Establishments

**Docket #3**                      **Request**  
CD-CPC-2023-00030

**Applicant**  
Jeffrey Williams, Planning Director

**Owner**  
City Wide

Location                      N/A  
Area                            N/A  
Zoning                         N/A  
Council District            N/A  
County                        N/A  
School District             N/A

**Surrounding Land Uses**

**North:** N/A  
**South:** N/A  
**East:** N/A  
**West:** N/A

**Major Street Plan**  
N/A

**Land Use Plan**  
N/A

**APPROVAL PROCESS**



**PROJECT TIMELINE**

N/A

**NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED**

Notice to Neighborhood and Civic Organizations has not been done.

**REQUIRED PUBLIC ENGAGEMENT**

Public engagement as required by 88-505-12 does not apply to this request.

**EXISTING CONDITIONS**

Currently the definition of a restaurant in the Zoning and Development Code does not align with the definition from Chapter 10 of the Code of Ordinances (Alcoholic Beverages). There is a 20% difference between the two definitions.

**SUMMARY OF REQUEST**

This amendment seeks to align the Zoning and Development Code's definition of Restaurant with the definition from Chapter 10.

**RELATED CASES**

- Resolution No. 200185, May 21, 2020 – Directed the City manager to complete a review of Chapter 10 of the Code of Ordinances.
- Ordinance No. 210961, January 13, 2022 – Amended Chapter 10 to provide more flexibility in the evaluation of appropriate locations for liquor licenses, expand outdoor dining, allow the provision of to-go cocktails, and make several other changes.
- Ordinance No. 220515, June 23, 2022 – Made adjustments to Chapter 10 after initial implementation of Ordinance No. 210961.

**KEY POINTS**

- Changes the definition of a restaurant from an establishment that receives 50% of its sales from food to 30%.

**Docket #3**

**STAFF RECOMMENDATION**  
Approval

**PLAN ANALYSIS**

In January 2022, changes were made to Chapter 10 of the Code of Ordinances (CoO). Prior to these updates, the definition of a restaurant in the CoO had two thresholds. Establishments were considered restaurants if they generated 50% or more of their gross annual sales through the sale of food, or if their gross annual sales from food sales exceeded \$200,000. However, the second threshold was deemed too lenient, as it was easily surpassed, rendering the first threshold inconsequential.

The aforementioned updates merged these two requirements into a single definition, where an establishment must now generate a minimum of 30% of gross annual sales from food to qualify as a restaurant. This number represents a reasonable compromise between the previous 50% threshold and the overly-easy \$200,000 threshold. Further, it is proportional to the total gross sales of all establishments, rather than implicitly favoring establishments that have higher gross-incomes.

Furthermore, Regulated Industries has modified their code to require a vote of surrounding property owners for all Retail Sales-by-Drink licenses. Given the significant contextually-dependent discretion exercised by Regulated Industries when reviewing alcohol license applications, our staff is confident that modifying our definition to align with the Code of Ordinances is appropriate.

**ATTACHMENTS**

1. Text Amendment Documents

**PROFESSIONAL STAFF RECOMMENDATION**

City staff recommends **Approval** of the Code Amendment, as presented.

Respectfully Submitted,



Jared Clements, AICP

## **88-805-04-I. EATING AND DRINKING ESTABLISHMENTS**

Provision of prepared food and/or beverages for on- or off-premises consumption. Typical uses include restaurants, taverns, and nightclubs.

### **1. RESTAURANT**

An establishment primarily engaged in serving prepared food to the public and in which sales of such prepared foods and meals constitutes at least ~~30%~~ 50% of the establishment's gross income, pursuant to [Chapter 10](#) of the municipal code.