

# GENERAL

## Ordinance Fact Sheet

220516

**Ordinance Number**

**Brief Title:**

**Approval Deadline:**

**Reason:**

Amendment to Section 10-211.

Please see below.

**Details**

**Positions / Recommendations**

<p><b>Reason for Legislation</b></p> <p>To make adjustments to this section of the ordinance to prevent future and ongoing exceptions to this section as this has been an ongoing issue for many years.</p>	<p><b>Sponsor(s)</b> Councilwoman Andrea Bough and Councilman Eric Bunch.</p>										
<p><b>Discussion (including relationship to other Council actions)</b></p> <p>To make adjustments to this section of the ordinance to prevent future and ongoing exceptions to this section as this has been an ongoing issue for many years.</p> <p>The density model has long needed to be revised which is shown by the large number of area exceptions listed. Density was originally put into place to limit the saturation of liquor stores and bars in neighborhoods throughout the city. However, as stated earlier, businesses requesting a sales-by-drink liquor license have changed from exclusively being a tavern or restaurant which is why change is needed.</p> <p>Section 10-211 now states that “the concentration of multiple alcoholic beverage licenses within any segment within the community is likely to interfere with or be detrimental to the rights or interests of the neighboring community. For purposes of this section, it shall be presumed that a proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community if the proposed license will exceed the limitations outlined in this section”.</p> <p style="text-align: center;"><b>CONTINUED ON NEXT PAGE</b></p>	<p><b>Programs, Departments, or Groups Affected</b> None.</p>										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Applicants/Proponents</b></td> <td style="padding: 5px;"> <p><b>Applicant</b> Jim Ready, Regulated Industries Division Manager</p> <p><b>City Department</b> Neighborhood Services</p> <p><b>Other</b> Alcoholic Beverage Advisory Group</p> </td> </tr> <tr> <td><b>Opponents</b></td> <td style="padding: 5px;"> <p><b>Groups or Individuals</b></p> <p><b>Basis of Opposition</b></p> </td> </tr> <tr> <td><b>Staff Recommendation</b></td> <td style="padding: 5px;"> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <b>Reasons Against:</b></p> </td> </tr> <tr> <td><b>Board or Commission Recommendation</b></td> <td style="padding: 5px;"> <p><input type="checkbox"/> For   <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions</p> </td> </tr> <tr> <td><b>Council Committee Action</b></td> <td style="padding: 5px;"> <p><input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass</p> </td> </tr> </table>	<b>Applicants/Proponents</b>	<p><b>Applicant</b> Jim Ready, Regulated Industries Division Manager</p> <p><b>City Department</b> Neighborhood Services</p> <p><b>Other</b> Alcoholic Beverage Advisory Group</p>	<b>Opponents</b>	<p><b>Groups or Individuals</b></p> <p><b>Basis of Opposition</b></p>	<b>Staff Recommendation</b>	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against <b>Reasons Against:</b></p>	<b>Board or Commission Recommendation</b>	<p><input type="checkbox"/> For   <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions</p>	<b>Council Committee Action</b>	<p><input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass</p>
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**Details**

**Policy / Program Impact**

<p>However, section 10-211(5) allows an applicant an opportunity to rebut the presumption that their proposed license is likely to interfere with or be detrimental to the rights or interests of the neighboring community by making a written request to the director describing why they believe a waiver is appropriate. The director could then consider whether to grant the waiver based on eight specific criteria listed under 10-211(5) which are:</p> <ul style="list-style-type: none"> <li>o Whether 50% or more of the eligible neighbors filed a written response with the director opposing the granting of a license</li> <li>o The physical characteristics of the proposed premises; relevant geography and character of both the premises and the surrounding neighborhood</li> <li>o The proximity of the premises to other uses and use types and the effect of the exterior lighting, noise, traffic and parking associated with the operation of the premises, with its patrons or with other persons frequenting the premises on the surrounding area</li> <li>o The type of activity or entertainment to be conducted at the establishment and the days and times during which such activity would take place</li> <li>o Whether any applicable church or school within 300 feet of the proposed premises supports the requested waiver</li> <li>o The history of past use at the proposed premises</li> <li>o The measures the applicant proposes to implement to maintain quiet and security in conjunction with the establishment</li> </ul> <p>It should also be noted that Section 10-211(7) allows the director to grant a conditional license in order to avoid the proposed premises from interfering with or being a detriment to the rights and interests of the neighboring community.</p> <p>By making these changes, the process will now allow an applicant to have their proposed business be presented to the eligible neighbors for a vote on whether or not they want the proposed business in their neighborhood while allowing the Manager to make a determination as to whether or not the business is a good fit based on density and the voting process.</p>			<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
		<b>Operational Impact Assessment</b>	None	
		<b>Finances</b>		
		<b>Cost and Revenue Projections</b>	<b>Cost of Legislation</b> \$0  <b>Increase/Decrease in Revenue Expected Annually</b> None	
	<b>Fund Sources</b>			

**Applicable Dates:**

On June 6, 2022, the Alcoholic Beverage Advisory Group voted 7 to 1 to approve the recommendation that the City Council adopt the proposed ordinance.

The purpose of the Group is to provide advice and counsel to the Manager of Regulated Industries Division or his/her appointed representative in response to proposed changes made by City Council Representatives or the Manager of Regulated Industries Division in Chapter 10 of the Code of Ordinances of the City of Kansas City, Missouri. The Group consists of 12 members of the community plus the Manager of Regulated Industries Division and is designed to represent both neighborhoods and industry equally.

**Fact Sheet Prepared By:**

Jim Ready, Manager, Regulated Industries Division

**Reviewed By:**

**Reference Numbers**