

City of Independence

Requirements for Outdoor Seating Areas

Due to recent changes to the City's ordinances, smoking is no longer permitted within a building. The following general guidelines are offered to business owners and operators who desire to add a patio, deck or similar outdoor addition to their existing business to provide food and beverage service to customers who use outdoor seating areas.

Please note that there are many issues related to an outdoor area that could be the subject of specific ordinance requirements. The City staff will assist you in determining what codes and ordinances will affect your remodeling or expansion.

Process for Applying for a Building Permit

The process begins with submission of a permit application to the Building Inspection Division of the Community Development Department. The application must be accompanied by a Site Plan that illustrates:

- The lot where the building is located;
- The location of the current building on the lot;
- The location of the proposed outdoor area;
- The distance from the building and the proposed area to property lines; (and from the building to the outdoor area if the area is not located next to, or attached to the side of the building);
- A notation regarding whether the proposed outdoor area is to be covered;
- Location and number of parking spaces (indicate any parking spaces that would be eliminated or added by the expansion);
- Location of existing utilities and utility easements;
- The authorized Occupant Load of the existing building;
- Location of emergency lighting;
- Fire extinguisher location (maximum distance from fire extinguisher to all areas of outdoor seating areas may not exceed 75 feet);
- Waiter/waitress stations, clean-up sinks, etc. to be added if required to serve the outdoor area.

Additional Information for Establishments with a Liquor License

The outside area that you wish to provide for your customers may be outside the boundaries of your licensed premises. If this is the case, you will need to have your liquor license amended, before you can serve customers in the outside area, or allow customers to take liquor to the outside area.

Only the City Council can authorize an expansion of a licensed premises. Therefore, you may want to consider amending your liquor license before you incur the expense of remodeling or making or modifications to provide an outside area.

To start the process, submit an application for an expansion of your premises to the City's License Division. The License Division reviews the application and makes its recommendation to the City Council. The City Council will review the application to expand your licensed premises at a public hearing.

As a part of the application, you must provide a copy of a (subdivision) plat that illustrates the lot where your business is located, and all lots within 300 feet of your business. You will need to provide an electronic list (in Microsoft Word by email or on a CD) of the names and addresses of the owners of the lots, and the names and addresses of any businesses located on the lots.

Because alcoholic beverages will be served and consumed in the outdoor area there are additional regulations that will govern your business:

- A fence with a minimum height of 42 inches must enclose the area (note on the site plan what type of fencing is proposed -wrought iron, wood, chain link, etc.);
- The fenced area must be equipped with an EXIT gate that is operated from inside the fenced area;
- The exit gate must be handicapped accessible;
- The potential occupant load will determine the required width of the gate and if the gate must be equipped with panic hardware.

If your expansion is approved by the City Council, your new license will be issued as soon as you are in compliance with other applicable sections of the City Code. The City License Division will provide you with an approval letter to submit to the Missouri Division of Liquor and Tobacco Control and to Jackson County as part of their liquor license amendment process.

Please remember, your establishment cannot serve alcohol in an outside area until the City Council approves the expansion of your licensed premises, you have completed any necessary remodeling in conformance with the City's building and health codes, and you have received approval from the Missouri Division of Liquor and Tobacco Control and from Jackson County.

If you have questions or need further clarification please call the following telephone numbers:

Building Inspection Division	816-325-7409
Health Department	816-325-7986
Current Planning Division	816-325-7421
License Division	816-325-7079
Fire Inspections	816-325-7121
Public Works Department	816-325-7618

APPLICATION PROCEDURES
OUTDOOR EXPANSION OF LICENSED PREMISES

**ALL REQUIRED DOCUMENTS MUST BE SUBMITTED ALONG WITH THIS APPLICATION
AFTER YOU HAVE SUBMITTED PLANS TO BUILDING INSPECTIONS FOR APPROVAL**

1. **APPLICATION** - (see last page of document) - To be completed by sole owner, principal managing partner if business ownership is a partnership, or by the Managing Officer if business ownership is a corporation or an LLC. Answer all questions in full. Submit this application **in duplicate with an original signature and notarization on each copy.**
2. **FEE** - If making payment other than by credit card, a bank draft, money order, certified check, or cashier's check payable to the City of Independence is required for \$35.00.
3. **FENCE OR BARRIER** - Proposed outside area must be fenced (minimum 42 inches high) or enclosed with a barrier with entry and exit from the previously licensed premise only. Provide two copies of a diagram or picture of the fence. Include a full description of the fence to barrier. Roping off the area is not acceptable.
4. **GATE SIGNAGE** – All emergency exit gates must have a sign posted stating – “**NO ALCOHOLIC BEVERAGES BEYOND THE FENCED AREA**”.
5. **MAP OF SURROUNDING PROPERTY PARCELS:** The applicant must submit a plat map showing all parcels of property within three hundred (300) feet of your establishment. Each property parcel needs to reference to the information requested in item 6 below using either a numeric or alpha code. Note: Jackson County Division of Assessment or a surveyor can help you obtain a plat map and property ownership information.
6. **PROPERTY OWNERSHIP AND TENANT INFORMATION:** Submit to the License Division an electronic spreadsheet or comma de-limited file that provides the following information for each parcel of property identified in item 5 above. (Each item listed below must be set up in a separate cell in a row for downloading and merging into a public hearing notification letter.)
 - County Parcel Number;
 - Parcel Identifying Reference Code;
 - Physical Address of the Parcel;
 - Parcel Owner's Name;
 - Parcel Owner's Mailing Address, including Suite or Apartment Number;
 - Parcel Owner's City;
 - Parcel Owner's State;
 - Parcel Owner's Zip Code.

If the property is not owner occupied, included a separate row for the each rental unit within the building:

- Parcel Identify Reference Code;
- Physical Address of the Parcel;
- Suite or Apartment Number;
- Zip Code.

Adding a deck or patio that allows consumption of alcoholic beverages is a permanent expansion of your licensed premise. It requires a Public Hearing as part of the City Council approval process. Staff mails written notification of the Public Hearing and your application property owners and tenants within 300 feet of your establishment. Staff provides a **minimum of 21 days notice** to the property owners and tenants of the Public Hearing.

9. **ADDITIONAL INFORMATION MAY BE REQUIRED** - After processing and reviewing your request for expansion, additional information may be required including but not limited to a certified survey. **If** a survey were required, the survey would provide information regarding the surrounding properties from the proposed expansion only. However, this survey will be required to show the dimensions and location of the current licensed structure along with the proposed expansion. The survey must show all surrounding separate properties and property lines, the location of all residential or commercial structures and indicating their use within three hundred (300) feet of the premises, curb cuts and number of parking spaces available. If the use is, health or medical related the use must clearly indicate the type of service provided. The survey must also indicate any parks, churches, schools, hospitals, playgrounds, libraries or museums. Provide two copies of this survey **from a registered engineer or land surveyor. The survey should be on paper no larger than 11 by 17 inches.**

The survey must show the zoning of all properties/lots within the measured 300 feet of the proposed expansion. You may contact Zoning for this information at (816)325-7823 or (816) 325-7421. Their office is located on the second floor of City Hall.

If there is residentially zoned property or a hospital, school, church, or other building regularly used as a place of religious worship within 100-300 feet of the proposed premises, no license shall be issued unless a two-thirds majority of the City Council grants approval. However, in the event a school, church or other building regularly used, as a place of worship is within 100 feet a license will not be issued or allowed. All other liquor licenses only require a majority of the City Council for approval.

Submit the completed application to the Cashier at City Hall, 111 East Maple Street, Independence for processing. After review by the City staff and receipt of an approved building permit, staff will forward the application to the City Council for consideration. A City approval letter will be prepared and mailed for the applicant to submit with their application for the expansion of licensed premises to the Missouri Division of Liquor & Alcohol Control and Jackson County. **You must provide documentation from the Missouri Division of Liquor & Alcohol Control showing the State's approval of expansion of licensed premises before the License Division will release your updated liquor license.**

CITY OFFICE

Independence License Division
111 East Maple
Independence, Missouri
Telephone: 816-325-7079

STATE OFFICE

Division of Liquor Control
615 East 13th Street
Kansas City, Missouri
Telephone: 816-889-2574

COUNTY OFFICE

Jackson County Collections
Liquor/Amusement Section
306 West Kansas
Independence, Missouri
Telephone: 816-881-4403

LICENSE DIVISION
CITY OF INDEPENDENCE
111 East Maple
Independence, MO 64050
(816) 325-7079

Date _____

OUTDOOR EXPANSION OF LICENSED PREMISES
Submit this with all other required documentation

1. Name of Licensed Business _____
2. Current Address of Business _____
3. Applicant or Individual Owner's Name _____
4. Address _____ City _____ State _____ Zip Code _____
5. If corporation or LLC, corporate or LLC name and address _____

6. If partnership, names and addresses of partners _____

7. Total dimensions of proposed expanded area in which alcoholic beverages will be served or dispensed: _____
8. Name and address of property owner: _____

9. Name and address of any person having a leasehold or interest therein as property owner or tenant

I, or we, (please print) _____

Of lawful age, and duly sworn upon my (our) oath, swear that the answers and information given in this application are true and complete to the best of my (our) knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 20____

My commission Expires: _____

Notary Public

UNTIL THE OUTDOORS EXPANSION IS APPROVED BY THE CITY COUNCIL, MISSOURI DIVISION OF ALCOHOL & TOBACCO CONTROL & JACKSON ALCOHOLIC BEVERAGES CANNOT BE TAKEN ONTO A DECK OR PATIO COUNTY. YOU MUST PROVIDE APPROVAL FROM THE MISSOURI DIVISION OF ALCOHOL & TOBACCO CONTROL BEFORE THE CITY WILL RELEASE YOUR UPDATED LIQUOR LICENSE.