

**AN ORDINANCE DELETING SUBSECTION C OF 415.200 OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD; ENACTING, IN LIEU THEREOF, A NEW SUBSECTION C OF SECTION 415.200 OF THE CODE OF ORDINANCES; DELETING SUBSECTION E OF SECTION 415.210 OF THE CODE OF ORDINANCES; ENACTING, IN LIEU THEREOF, A NEW SUBSECTION E OF SECTION 415.210 OF THE CODE OF ORDINANCES; MODIFYING ALL 'M' INDUSTRIAL DISTRICTS OF TO REQUIRE 'TATTOO PARLORS' AND 'VAPOR LOUNGES', AS DEFINED THEREIN, TO BE CONSIDERED CONDITIONAL TYPE USES IN THEIR OPERATION WITHIN THE CITY OF WILDWOOD; AND LIMITING SAID LOCATIONS TO THE THESE SAME ZONING DESIGNATIONS, WHILE ENSURING COMPATIBILITY WITH THE SURROUNDING DEVELOPMENT PATTERN OF THE AREA AND PROTECTING THE PUBLIC'S HEALTH, SAFETY, AND GENERAL WELFARE - P.Z. 16-17 City of Wildwood Planning and Zoning Commission, C/o Department of Planning. (Wards – All)**

**WHEREAS**, Chapters 415 of the Municipal Code was adopted pursuant to the City's constitutional charter authority, its police powers, and the provisions of Chapter 89 of the Revised Statutes of Missouri, as amended, to promote the health, safety, and general welfare of citizens of the City of Wildwood, and including to avoid street congestion, achieve appropriate population distribution, provide necessary spaces for light, air, and recreation, protect the natural environment and existing property values, and to secure the proper future development of the City; and

**WHEREAS**, since the incorporation of the City, the stated desire of its residents, as well as its elected officials, has been to protect properties from certain impacts created by existing and proposed land uses that are or may be located in Wildwood, whenever possible; and

**WHEREAS**, certain businesses due to their characteristics, health considerations, and/or operational parameters can pose major problems to a community that justify, and lead to, the need to control their unwanted impacts or questionable nature; and

**WHEREAS**, one (1) such category are tattoo parlor and vapor lounge establishment, which have a number of characteristics that have been deemed by many communities as problematic, particularly in regards to property values and loss of customers by other businesses around their locations, given the negative social perceptions associated with them; and

**WHEREAS**, the City currently lacks specific regulations to address these types of businesses, since the Zoning Ordinance treats all retail and service activities somewhat similarly and does not provide the necessary protections to address these uses that may create a number of unique issues in those areas where they locate; and

**WHEREAS**, the Department of Planning prepared information for a public hearing on this matter, which was held on January 16, 2018 by the Planning and Zoning Commission, and conducted in accordance with the applicable requirements set forth in the City of Wildwood's Zoning Ordinance for these matters; and

**WHEREAS**, at the conclusion of the hearing, the Planning and Zoning Commission held a discussion on the options available to the City to address these types of businesses and compared potential regulatory considerations with those used by other municipalities; and

**WHEREAS**, the Planning and Zoning Commission did identify a need to proceed forward with this type of legislation and noted any delay would not be in the best interest of the City, given the current regulations may not fully protect the City of Wildwood from future considerations that may arise individuals or businesses seeking to open tattoo parlor or vapor lounge establishments in this community; and

**WHEREAS**, after careful deliberation, Planning and Zoning Commission agreed upon a recommendation modifying Section 415.200 M-1 Industrial District and Section 415.210 M-3 Planned Industrial District to include these types of businesses as a 'Conditional Land Use and Development Permits Issued by the Commission;' thereby providing an additional tier of review for them in the City of Wildwood; and

**WHEREAS**, the Letter of Recommendation on this matter was received by the City Council for consideration and, as required by code, a public hearing was held on these changes, which occurred on February 20, 2018, where comments and questions were raised about the proposed modifications to the aforementioned sections of the City's Zoning Ordinance; and

**WHEREAS**, after reviewing the pertinent information and the Planning and Zoning Commission's Letter of Recommendation, the City Council did thereby authorize the preparation of legislation to incorporate the proposed modifications into the Zoning Ordinance of Wildwood based upon the following rationales: (1.) the type and characteristics of this particular business activity dictates the need for a special review process, which can be

provided under the Zoning Ordinance's provisions for a Conditional Use Permit; (2.) this type of business would not be precluded from the City, but assures they are allowed in the appropriate locations under a specific set of conditions; and (3.) the need for the propose changes is premised on protecting the public's health, safety, and welfare; and

**WHEREAS**, keeping current with the ever-changing business environment is appropriate for the City of Wildwood to undertake, so as to eliminate problems and ensure long-standing businesses are not negatively effected; and

**WHEREAS**, the City of Wildwood, under Missouri Revised Statutes and its Charter, is authorized to promulgate regulations, codes, and requirements to ensure that land use activities are compliant with the City's Master Plan and Municipal Code, thereby meeting its obligation to protect the public's health, safety, and general welfare in this manner.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AS FOLLOWS:**

**Section One.** That subsection C of Section 415.200 of the Code of Ordinances of the City of Wildwood be and are hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new subsection C of Section 415.200, to read as follows:

### **Section 415.200. "M-1" Industrial District Regulations.**

...

*C. Conditional Land Use And Development Permits Issued By The Commission.* The following land uses and developments may be permitted under conditions and requirements specified in Section [415.500](#) "Conditional Use Permits":

1. Airports, landing strips and heliports.
2. Athletic fields, including lighting.
3. Business service establishments.
4. Filling stations, including emergency towing and repair services.
5. (Reserved)
6. Manufacturing of explosives and flammable gases and liquids.
7. Radio, television and communication studios, transmitting or relay towers, antennae and other such facilities greater in height than two hundred (200) feet above the average finished ground elevation at the perimeter of such structure.
8. Restaurants.
9. Sales yards operated for a charitable purpose by a church, school or other not-for-profit organization.
10. Satellite dishes (see provisions of Section [415.380\(R\)](#)).
- 10a. **Tattoo Parlors (any establishment whose principle activity, either in terms of its operation or as offered to the public from its licensed space, is the practice of one (1) or more of the following: (1) placing an indelible mark made on the body of another person by the insertion of a pigment under the skin; (2) placing an indelible design made on the body of another person by production of scars; (3) placing a permanent mark made on human tissue by burning with a hot iron or other instrument; or (4) the perforation of human tissue other than an ear for a nonmedical purpose).**
11. Towed vehicle storage yards, wherein no individual vehicle may be stored for a period exceeding ninety (90) days and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sight proof fence shall be provided along all limits of the property.
12. Sewage treatment facilities.
- 12a. **Vapor (Vape) Lounges (any establishment whose business is primarily devoted to the serving of electronic smoking devices for consumption on the premises, in which the gross annual revenues generated by sales of electronic smoking devices and accessories thereto are greater than fifty percent (50%) of the gross annual revenues for the establishment and the serving of food, alcohol or other goods is only incidental to the sale and consumption of such electronic smoking devices and accessories. For the purposes of this subsection,**

revenues will be determined based on the previous calendar year, and, the term “electronic smoking device” shall have the same meaning as set forth in Section 210.375 of this Code).

13. Vehicle repair facilities.
14. Vehicle service centers.
15. Warehousing, storage or wholesaling of live animals, explosives or flammable gases and liquids.
16. Churches shall be allowed on tracts of land of at least one (1) acre in area.
17. Sexually oriented businesses.

**Section Two.** That subsection E of Section 415.210 of the Code of Ordinances of the City of Wildwood be and are hereby amended by deleting it in its entirety, and enacting, in lieu thereof, a new subsection E of Section 415.210, to read as follows:

**Section 415.210. "M-3" Planned Industrial District.**

...

E. *Conditional Land Use And Development Permits Issued By The Commission.* The following land uses and developments may be permitted under conditions and requirements specified in Section [415.500](#) "Conditional Use Permits":

1. Satellite dishes (provisions of Section [415.380\(R\)](#)).
2. Sexually oriented businesses.  
[Ord. No. 2201 §4, 8-8-2016]
3. **Tattoo Parlors (any establishment whose principle activity, either in terms of its operation or as offered to the public from its licensed space, is the practice of one (1) or more of the following: (1) placing an indelible mark made on the body of another person by the insertion of a pigment under the skin; (2) placing an indelible design made on the body of another person by production of scars; (3) placing a permanent mark made on human tissue by burning with a hot iron or other instrument; or (4) the perforation of human tissue other than an ear for a nonmedical purpose).**
4. **Vapor (Vape) Lounges (any establishment whose business is primarily devoted to the serving of electronic smoking devices for consumption on the premises, in which the gross annual revenues generated by sales of electronic smoking devices and accessories thereto are greater than fifty percent (50%) of the gross annual revenues for the establishment and the serving of food, alcohol or other goods is only incidental to the sale and consumption of such electronic smoking devices and accessories. For the purposes of this subsection, revenues will be determined based on the previous calendar year, and, the term “electronic smoking device” shall have the same meaning as set forth in Section 210.375 of this Code).**

**Section Three - Effective Date.** This Ordinance shall be in full force and effect after its passage and approval.

**Section Four - Savings.** Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

**Section Five - Severability.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

This Bill was passed and approved this \_\_\_\_\_ day of April, 2018 by the Council of the City of Wildwood, Missouri after having been read by title, or in full two (2) times, prior to passage.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
The Honorable James R. Bowlin, Mayor

**ATTEST:**

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Amanda Foster, City Clerk

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