



**City Planning and Development Department
Development Management Division**

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STAFF REPORT **June 16, 2015** (27)

Re: Case No. 254-S-305

Request: Amending Chapter 88, the Zoning and Development Code, through revisions, clarifications, and other administrative changes throughout the chapter in accordance with the Zoning & Development Code periodic review

Applicant/Sponsor: Jeffrey Williams, AICP
Director City Planning & Development Department

Purpose:

This is another list in the series of revisions to the Zoning & Development Code.

Proposed Text:

~~Text to be deleted is struck through, in red and text to be added is underlined in red,~~ as follows. Also, renumbering of affected sections will occur where necessary.

1) Revision to clarify that the Multi-Unit House standards apply to the Multiplex.

88-110-06-C. BUILDING-TYPE SPECIFIC STANDARDS



5. Multi-unit House includes Multiplex

Multi-unit houses are subject to the standards of *Table 110-2 (88-110-06-B)* except as expressly modified or supplemented by the following standards.

- a. The street-facing facade of a multi-unit house may have only one visible entrance to the building. If the building is located on a corner lot, one building entrance may be visible from each street.
- b. Visible building entrances must be clearly emphasized by any one of the following means:
 1. covered porch or canopy;
 2. transom and sidelight windows;

3. pilasters and pediment; or
 4. other significant architectural treatment that emphasizes the entrance. (Simple trim around the doorway does not meet this standard)
- c. Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.
 - d. A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.
 - e. Surface parking and parking within accessory structures must be located behind the front building line and otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required side setback area. Surface parking and the edge of the driveway from the right-of-way to any parking area or structure must be landscaped in accordance with [88-425-05](#) and [88-425-06](#).
 - f. The front facade of new multi-unit houses may not exceed 40 feet in width. Buildings may exceed this limitation if the street-facing plane of the building is broken into horizontal modules that comply with the following standards:
 1. Each module must be no greater than 30 feet and no less than 10 feet in width and must be distinguished from adjacent modules by a change in the wall plane of at least 16 inches in depth. For buildings that are 3 or more stories in height, the width of the module may be increased to 40 feet.
 2. Each module must have a corresponding change in the roofline.
 3. Each module must be distinguished from the adjacent module by at least one of the following means:
 - a. changes in material colors, types or textures;
 - b. changes in the building and/or parapet height;
 - c. changes in the architectural details such as decorative banding, reveals, stone, or tile accents;
 - d. change in window pattern; and
 - e. the use of balconies and recesses.
 - g. Architecture of the multi-unit house shall be designed in context with and reflect the predominant characteristics of other residential buildings within 500 feet of the exterior property lines of the multi-house, in regard to scale, roof pitch, material, ingress/egress, and fenestration.

For reference, this is the description of a multi-unit house and a multiplex:

6.	<i>Multi-unit House</i>	<p><i>A multi-unit house is a building containing 3 to 8 dwelling units located on a single lot. Multi-unit houses appear as large detached houses and have only one entrance visible from the street. Multi-unit houses are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified or supplemented by the multi-unit house standards of 88-110-06-C. More than one multi-unit house may be located on a single lot, subject to compliance with all applicable lot and building standards.</i></p>	
7.	<i>Multiplex</i>	<p><i>A multiplex is a building containing 3 to 8 dwelling units, each of which has its own external entrance. Multiplexes are subject to the lot and building standards of 88-110-06-B (Table 110-2) except as modified by the multiplex standards of 88-110-06-C. More than one multiplex may be located on a single lot, subject to compliance with all applicable lot and building standards and subject to site plan or development plan review.</i></p>	

2) *Revise text to clarify how an overlay district is established. They will be treated like a zoning change, in that the overlay district will be noted on the map. Chapter 88 will not contain reference to specific overlay districts.*

88-205 OVERLAY DISTRICTS GENERALLY

88-205-04 ESTABLISHMENT

88-205-04-A. Overlay districts must be established in accordance with **the zoning and development code text amendment procedures of 88-510 (to establish the applicable regulations) and the zoning map amendment procedures 88-515 (to establish the district on the zoning map).**

3) *List “Warehousing, Wholesaling, and Freight Movement” as an allowed use in the KCIA district.*

88-275 KCIA, AIRPORT DISTRICT

88-275-01 PURPOSE

The KCIA, Airport district is primarily intended to promote airport and/or conservation uses in the immediate vicinity of Kansas City International Airport and to limit residential development and certain commercial uses that are incompatible with the use of the airport and related airport uses. The KCIA district is further intended to provide services to the airport and related airport services.

88-275-02 USES

88-275-02-A. The following uses are permitted as-of-right in the KCIA district without approval of a site plan:

1. Agriculture, Crop or Animal
2. Agricultural services, such as grist milling, corn shelling, hay baling, and threshing services, including sorting, grading, and packaging of fruits and vegetables and retail fruit and vegetable stands for products grown on the premises
3. Animal Services, Stables

88-275-02-B. The following uses are permitted in accordance with procedures of [88-530](#):

1. Airports, public, including passenger and freight terminals, aircraft storage, maintenance and related services for aircraft and air passengers
2. Eating and Drinking Establishments
3. Entertainment and Spectator Sports
4. Funeral and Interment Service (cemetery/columbarium/mausoleum only)
5. Gasoline and Fuel Sales
6. Lodging
7. Manufacturing, Production and Industrial Services
8. Mining and Quarrying subject to [88-350-02-D](#)
9. Park/Recreation
10. Religious Assembly
11. Retail Sales
12. Sports and Recreation, Participant
13. Utilities and Services
14. [Warehousing, Wholesaling, and Freight Movement](#)
15. Other commercial and industrial uses that are compatible with airport operations.

4) Delete repetitive text, as follows:

88-305 ACCESSORY USES AND STRUCTURES

88-305-02 LOT AND BUILDING STANDARDS IN RESIDENTIAL DISTRICTS

88-305-02-A. GENERAL

The lot and building standards of the base zoning district apply to accessory structures in residential districts unless otherwise expressly stated.

88-305-02-B. SETBACKS

1. Accessory buildings and structures are prohibited in front and street side yards (i.e., they may not be closer to the street than the principal building), except for structures that are customarily found in front or street yards, such as flag poles and minor landscape structures.
- ~~2. Accessory buildings and structures must be set back at least 1.5 feet from rear property lines, except that garages accessed from an alley and carriage houses are not required to be set back from a rear property line abutting an alley. Structures designed to contain animals must be set back at least 30 feet from rear property lines. **Accessory buildings and structures are prohibited in front and street side yards (i.e., they may not be closer to the street than the principal building), except for structures that are customarily found in front or street yards, such as flag poles and minor landscape structures.**~~
- ~~3. **Accessory buildings and structures must be set back at least 1.5 feet from rear property lines, except that garages accessed from an alley and carriage houses are not required to be set back from a rear property line abutting an alley. Structures designed to contain animals must be set back at least 30 feet from interior property lines.**~~
3. Accessory buildings and structures must be set back at least 1.5 feet from interior side property lines, and may not be closer to the street than the principal building in the streetside rear yard or at least 15 feet, whichever is less, except that accessory buildings and structures are not required to be set back from an interior side property line that abuts an alley. Structures designed to contain animals must be set back at least 30 feet from interior property lines.
4. If serving two lots, an accessory building and structure may be built across the side or rear line, and where an alley abuts a side or rear lot line, the garage may be built on the alley line.

5) Clarify that parking requirement applicable only to new buildings constructed and uses established since September 1951:

88-420 PARKING AND LOADING

88-420-02 APPLICABILITY

88-420-02 -A. NEW DEVELOPMENT

Unless otherwise expressly stated, the parking and loading standards of this article apply to all new buildings constructed and all new uses established in all zoning districts **after September 10, 1951.**

88-420-02 -B. ENLARGEMENTS AND EXPANSIONS

1. Unless otherwise expressly stated, the parking and loading standards of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements.

2. In the case of enlargements or expansions triggering requirements for additional parking or loading, additional off-street parking and loading spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address lawfully existing parking or loading deficits.

88-420-02-C. CHANGE OF USE OR OCCUPANCY

Unless otherwise expressly stated, when the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning and development code. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning and development code, regardless of whether such spaces are actually provided. A new nonresidential use is not required to address a lawful, existing parking deficit.

6) For new, uncovered patios and decks for eating and drinking establishments, require parking at only 50% of the applicable rate:

88-420-06 PARKING RATIOS

Parking Ratios	
USE GROUP	Minimum Vehicle Parking Ratio
Use Category » specific use type	

Eating and Drinking Establishments	
» Tavern or nightclub » uncovered patios or decks	20 per 1,000 square feet 20 per 1,000 square feet
» All other eating/drinking establishments » uncovered patios or decks	10 per 1,000 square feet 5 per 1,000 square feet

7) Add word for clarification:

88-425 LANDSCAPING AND SCREENING

88-425-11 INSTALLATION AND MAINTENANCE

88-425-11-B. MAINTENANCE

1. The property owner or successors in interest are jointly and severally responsible for proper maintenance of landscaped areas in accordance with the approved landscape plan.

8) Existing signage requirements for institutional uses in residential districts will apply to offices allowed by special use permit in R-1.5, R-0.5, and R-0.3:

88-445-06 SIGNS IN RESIDENTIAL DISTRICTS

88-445-06-A. RESIDENTIAL SIGNS

Only the following signs are allowed in districts AG-R, R-80, R-10, R-7.5, R-6, R-5, R-2.5, R-1.5, R-0.5, and R-0.3:

1. GENERAL RULES

a. LIGHTING

Except where otherwise specified, signs in residential districts may be externally illuminated only, unless otherwise specified.

b. FLASHING, MOVING AND SIMILAR SIGNS

Flashing, moving, *animated*, *wind-blown*, or other signs that move or simulate movement are prohibited.

c. TRAFFIC CONTROL SIGNS

In addition to other signs permitted under this section, any lot or parcel containing more than 4 *dwelling units*, a permitted institutional use, or a permitted commercial use, may contain signs conforming with the *Manual of Uniform Traffic Control Devices* and not containing any *commercial message*.

d. MESSAGES

Any sign allowed under this section may bear a *noncommercial message*. Limited commercial messages are allowed, in accordance with express provisions of this section, but such commercial messages may not advertise or direct attention to a business or commercial activity other than one lawfully conducted on the premises, as expressly allowed under this section.

e. SETBACK

Signs placed on a corner lot shall not extend forward of a diagonal line which intersects the front and side property lines of the lot at points 20 feet distant from the common intersection of the front and side property lines or, if the corner of the lot is platted on a radius, the extension of the front and side property lines to a point of common intersection. Signs placed on an interior lot shall be set back a minimum of 5 feet from the right-of-way line.

(intermediary text intentionally omitted)

4. INSTITUTIONAL AND OFFICE USES

A lot with an institutional use as its *principal use*, such as a church, school, police or fire station, community center, *public park*; *an office building*; or other permitted principal uses not described herein, may have:

a. MONUMENT SIGNS

One *monument sign* per *street frontage* which may not exceed 32 square feet in area or 6 feet in height. One sign per lot may include *changeable copy*, but the

changeable copy feature must use direct human intervention for changes and may not include any form of digital or electronic display. Such sign may be internally or externally illuminated.

b. **WALL SIGNS**

One wall sign per public entrance, which may not exceed 20 square feet in area. Such sign may not include any form of digital or electronic display. Such sign may be internally or externally illuminated.

c. **INCIDENTAL SIGNS**

1. One sign per driveway is permitted, which may not exceed 42 inches in height and 6 square feet in area.
2. Incidental signs must be set back a minimum of 10 feet from all property lines.
3. Such sign may not contain a commercial message but may include the logo of the institutional use.

d. **INTERIM SIGNS**

1. One interim sign bearing a noncommercial message or a message related to the sale, lease, rental, or construction of the property. Such sign may not exceed 8 square feet in area or 4 feet in height.
2. Additional interim signs not bearing commercial messages. No such sign may exceed 8 square feet in area or 4 feet in height. A maximum of 16 square feet of sign area is allowed per lot.
3. During the period from 6 weeks prior to a public election to be held in Kansas City to 2 weeks after such election, each lot may display additional signs not bearing commercial messages. No such sign may exceed 8 square feet in area or 4 feet in height.

9) Remove "display", as it is not pertinent to this section, and clarify that outdoor storage is permitted in B4:

88-435-03 OUTDOOR STORAGE

88-435-03-A. REGULATIONS

Outdoor storage as allowed per Tables 120-1 and 140-1, provided it complies with the following standards:

1. Outdoor storage areas must be located outside of drive aisles, fire lanes, parking spaces, and any required setback;
2. In the B4 district outdoor storage is prohibited in any required setback or within 20 feet of any property or right-of-way line, whichever is greater;
3. In the M districts, outdoor storage is prohibited in any required setback or within 10 feet of any property or right-of-way line, whichever is greater;
4. In the B4 district, outdoor storage may not cover an area exceeding 50% of the lot area and may not be located between the building line and any public right-of-way.

5. Outdoor **display and** storage is allowed as an accessory use in **the B4 and** all M districts if such storage is a customary accessory use to the principal use on a site.
6. Outdoor **display and** storage must be screened in accordance with the standards of 88-425-09.

10) *Certain other sections were revised with past ordinances to clarify notification requirements. This section should be similarly revised:*

88-505-07 PUBLIC HEARING NOTICES

88-505-07-A. **REQUIRED NEWSPAPER NOTICE**

Whenever the provisions of this zoning and development code require that newspaper notice be provided, the notice must be published by the city **at least 15 days before the date of the hearing** in a newspaper of general circulation within Kansas City or as otherwise required by law.

88-505-07-B. **REQUIRED MAILED NOTICE**

Required mailed notices must be sent by U.S. mail, first class **at least 13 days before the date of the hearing to the subject property owner, any registered neighborhood organization, and/or registered civic organization whose boundaries include the subject property, and all owners of property within 300 feet of the subject property.** Addresses must be based on the latest available, city-maintained property ownership information. For all hearings before the board of zoning adjustment or city plan commission, the city planning and development director must certify by affidavit that the mailing has occurred. The affidavit will become part of the record as proof of such mailing.

88-505-07-C. COURTESY NOTICES

In addition to any required public hearing notices, the city may elect to provide additional courtesy notification, which may include Internet postings and information signs posted on the subject property.

88-505-07-D. CONTENT OF NOTICE

All required public hearing notices should: (1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice (or other information sufficient for those interested to determine the date, time, and place); (2) describe any property involved in the application by street address or by general description; (3) describe the general nature, scope and purpose of the application or proposal; **and** (4) indicate where additional information on the matter can be obtained; **and (5) provide contact or other information sufficient for those interested to determine when the council will hold its hearing on the rezoning.**

11) *Correct section reference and revise language regarding when the director may authorize an administrative adjustment, to clarify that the use may*

generate some bicycle traffic and therefore justify "some" bicycle parking spaces. (It is not an "all or none" situation.)

88-570 ADMINISTRATIVE ADJUSTMENTS

88-570-02 APPLICABILITY; AUTHORIZED ADMINISTRATIVE ADJUSTMENTS

88-570-02-F. BICYCLE PARKING

1. The city planning and development director is authorized to approve an administrative adjustment reducing the number of bicycle spaces required under ~~88-420-06 88-420-09~~.
2. Such an administrative adjustment may be approved only when the city planning and development director determines that use will **not** generate **any reduced** bicycle traffic or that it would be impossible to provide bicycle parking at the subject location.

12) The administrative regulations (AR) for this committee removed neighborhood and business community representatives. Chapter 88 should be revised as well existing signage requirements for institutional uses in residential districts will apply to offices allowed by special use permit in R-1.5, R-0.5, and R-0.3:

88-605-03 STREET NAMING COMMITTEE

88-605-03-B. MEMBERSHIP

The following individuals are members of the street naming committee:

1. city planning and development director;
2. public works director;
3. parks and recreation director;
4. fire chief;
5. police chief

~~6. a neighborhood representative to be appointed by the city planning and development director; and~~

~~7. a business community representative to be appointed by the city planning and development director.~~

13) Establish that provision of lodging on a “temporary basis” is limited to 30 days, after which it falls under the Household Living Category:

88-805 USE GROUPS AND CATEGORIES

88-805-04 COMMERCIAL USE GROUP

88-805-04-0. LODGING

Provision of lodging services on a temporary basis **of not more than 30 days**, with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

1. **BED AND BREAKFAST**

A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

2. **HOTEL/MOTEL**

An establishment, other than a detached house, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels, motels, and boarding houses.

3. **RECREATIONAL VEHICLE PARK**

A development site, parcel, or tract of land designed, maintained or intended to be used for the purpose of providing short-term accommodation—~~no~~ **of not** more than 30 days ~~—~~ for placement of two or more recreational vehicles, ~~include~~ **including** all buildings used or maintained for the use of the occupants in the recreational vehicle park.

88-805-02 RESIDENTIAL USE GROUP

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: household living and group living.

88-805-02-A. HOUSEHOLD LIVING CATEGORY

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

14) Establish that “temporary storage” of motor vehicles is limited to 15 days:

88-805-04-Y. VEHICLE SALES AND SERVICE

Sales of motor vehicles or services related to motor vehicles. The following are vehicle sales and service use types:

6. **VEHICLE STORAGE AND TOWING**

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private ~~parking tow-aways~~ (tow lots), impound yards and fleet storage yards.

Includes the use of a site for temporary storage of motor vehicles **to be sold, rented, salvaged, dismantled, or repaired** for a period of not more than 15 days, ~~not including temporary storage facilities for vehicles that are to be sold, rented, salvaged, dismantled, or repaired.~~

15) Establish that if the principal use of a contractor's establishment is fabrication and manufacturing, rather than simply office or warehouse space, the use is classified as Industrial, Limited:

88-805-05 INDUSTRIAL USE GROUP

88-805-05-B. MANUFACTURING, PRODUCTION AND INDUSTRIAL SERVICES

1. ARTISAN

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

- a. Artisanal Food and Beverage Production includes production of foods and beverages consumed and/or offered for sale on-site or produced for sale off-site, in accordance with 88-318.

2. LIMITED

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; **a contractor's establishment if the principal use is fabrication and manufacturing;** and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

3. GENERAL

- a. Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: asphalt plants, concrete plants, textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing. Also includes medical, scientific, or technology-related research establishments that produce odors, dust, vibration, noise, or other

external impacts that are detectable beyond the property lines of the subject property.

- b. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products, or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as "repair or laundry services."

4. **INTENSIVE**

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. Also includes smelting, animal slaughtering, and oil refining.

88-805-05-F. WAREHOUSING, WHOLESALING AND FREIGHT MOVEMENT

Storage, wholesale sales, and distribution of materials and equipment. Typical uses include storage warehouses; moving and storage firms; trucking or cartage operations; truck staging or storage areas; parking station for busses, trucks, and trailers; and wholesale sales of materials and equipment to parties other than the general public.

16) Correct definition to reflect previously approved correction of Ordinance CS100394 that was not made. Staff failed to change enCode to reflect this revised definition (per Ordinance CS100394 passed June 10, 2010.) Because a subsequent periodic review ordinance (120783) included the definition section, and continued with the "unrevised" text, it must be revised by ordinance to reflect CS100394.

88-810-1770 SIGN, OUTDOOR ADVERTISING

An off-premises sign which directs attention to a business; commodity, service, activity, or product sold, conducted, or offered off the premises where such sign is located.

Recommendation:

Staff recommends approval of text revisions to the Chapter 88, the Zoning & Development Code as noted.

Respectfully Submitted,



Patricia A. Elbert Noll, Planner